

---

## CALIFORNIA GOVERNMENT CODE

---

### **DIVISION 3. COMMUNITY SERVICES DISTRICTS**

#### **PART 1. INTRODUCTORY PROVISIONS**

CHAPTER 1. SHORT TITLE .....	61000
CHAPTER 2. DEFINITIONS .....	61010-61017

#### **PART 2. FORMATION**

CHAPTER 1. INITIATION .....	61100-61107.1
CHAPTER 2. ELECTION AND FORMATION .....	61110-61119
CHAPTER 3. INITIAL BOARD OF DIRECTORS .....	61120-61125

#### **PART 3. INTERNAL ORGANIZATION**

CHAPTER 1. BOARD OF DIRECTORS .....	61200-61231
CHAPTER 2. OTHER OFFICERS AND EMPLOYEES .....	61240-61245
CHAPTER 3. BOARD AND OFFICER ACTIVITIES .....	61300-61301

#### **PART 4. ELECTIONS**

CHAPTER 1. ELECTIONS GENERALLY .....	61400-61410
CHAPTER 3. INITIATIVE; REFERENDUM; RECALL .....	61450-61451

#### **PART 5. PURPOSES AND POWERS**

CHAPTER 1. PURPOSES .....	61600-61602
CHAPTER 1.5. POWER GENERATION .....	61605-61607
CHAPTER 2. POWERS .....	61610-61626.7
CHAPTER 3. LIABILITY FOR DAMAGES .....	61628-61632
CHAPTER 4. BONDS .....	61650-61687
CHAPTER 5. IMPROVEMENT DISTRICTS .....	61710-61718
CHAPTER 5.1. INCLUSION IN IMPROVEMENT DISTRICTS .....	61720.1-61722.5
CHAPTER 6. DEPOSITARY OF DISTRICT MONEY .....	61730-61736
CHAPTER 6.1. ALTERNATIVE DEPOSITARY OF DISTRICT MONEY .....	61737.01-61737.09
CHAPTER 7. COOPERATION WITH THE UNITED STATES .....	61740-61741
CHAPTER 8. SHORT TERM BORROWING .....	61742-61749

#### **PART 6. TAXES**

CHAPTER 1. GENERAL PROVISIONS .....	61750-61767
CHAPTER 2. ZONES .....	61770-61781
CHAPTER 3. INCLUSION IN ZONES .....	61790-61792.4

**PART 7. CHANGES IN ORGANIZATION**

CHAPTER 1. ANNEXATION ..... 61800-61802  
CHAPTER 2. TRANSFER OF ASSETS ..... 61850

**PART 1. INTRODUCTORY PROVISIONS**

- 61000: This division shall be known and may be cited as the Community Services District Law.
- 61010: Unless the context otherwise requires, the provisions of this chapter shall govern the construction of this division.
- 61011: The definition of a word applies to any of its variants.
- 61012: "District" means a community services district formed under the provisions of this division.
- 61013: "Board" means the board of directors of a district.
- 61014: "President" means the president of the board.
- 61015: "Secretary" means the secretary of the board.
- 61016: "Elector" and "voter" have respectively the same meaning as in the Elections Code, but an "elector" or "voter" shall also be a resident of the district or proposed district involved.
- 61017: "Principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district.

**PART 2. FORMATION**

- 61100
- (a) A new district may be formed pursuant to this part.
- (b) A proposal to form a district may be made by a petition of registered voters or by the adoption of a resolution of application.
- 61100.5
- (a) Notwithstanding Section 61100 and 61103, qualified voters within the Bass Lake area of Madera County may form a district pursuant to this part: The petition for formation shall be signed by at least 10 percent of the qualified voters within the proposed district: Every qualified voter, or his or her legal representative, may vote on the formation of the district and on all other matters concerning the district if formed, but shall be entitled to cast only one vote: Every qualified voter may vote either in person or by a person duly appointed as his or her proxy. The appointment of a proxy shall be as provided in

Section 35005 of the Water Code: Elections shall be conducted pursuant to Article 1 (commencing with Section 35106) of Chapter 2 of Part 4 of Division 13 of the Water Code: For the purposes of this section, a qualified voter shall be (1) a voter who is a resident of the district, and (2) every owner of real property within the district who is not a resident of the district.

(b) The last equalized county assessment roll shall be conclusive evidence of ownership of the real property: Where land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of the land shall designate in writing which one of the owners shall be deemed the owner of the land for purposes of qualifying as a voter.

(c) The legal representative of a corporation or estate owning real property may vote on behalf of the corporation or estate. Before a legal representative votes at a district election, he or she shall present to the precinct board a certified copy of his or her authority which shall be kept and filed with the returns of the election: As used in this section, legal representative means an official of a corporation owning real property or a guardian, executor, or administrator of the estate of the holder of title to real property who:

(1) Is appointed under the laws of the state.

(2) Is entitled to the possession of the estate's real property.

(3) Is authorized by the appointing court to exercise the particular right, privilege, or immunity which he or she seeks to exercise.

(d) Notwithstanding Section 61200, every qualified voter shall be eligible to be a member of the board of directors of a community services district formed in the Bass Lake area of Madera County.

(e) Any community services district formed in the Bass Lake area of Madera County may exercise all the powers of a community services district pursuant to Section 61600, except for the powers in subdivisions (a), (h), (i), (l), (n), and (o) of Section 61600.

(f) In all other respects a community services district formed after a petition pursuant to this section shall be governed by the provisions of this part.

#### 61100.6

(a) Notwithstanding Sections 61100 and 61103, qualified voters within the Lake San Marcos area of San Diego County may form a district pursuant of this part for the purpose of contracting for security services to protect and safeguard life and property: The petition for formation shall be signed by at least 10 percent of the qualified voters within the proposed district: Notwithstanding Section 61107, once the chief petitioners have filed a sufficient petition, the local agency formation commission shall notify the board of supervisors which shall take the actions required pursuant to Section 61110: Every qualified voter may vote on the formation of the district and on all matters concerning the district, if formed, but shall be entitled to cast only one vote: For the purposes of this section, a qualified voter shall be (1) a voter who is a resident of the district, and (2) every owner of real property within the district who is not a resident of the district.

(b) The last equalized county assessment roll shall be conclusive evidence of ownership of the real property: Where land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of the land shall designate in writing which one of the owners shall be deemed the owner of the land for purposes of qualifying as a voter.

(c) The legal representative of a corporation or estate owning real property may vote on behalf of the corporation or estate. Before a legal representative votes at a district election, he or she shall present to the precinct board a certified copy of his or her authority which shall be kept and filed with the returns of the election. As used in this section, "legal representative" means an official of a corporation owning real property or a guardian, executor, or administrator of the estate of the holder of title to real property who:

(1) Is appointed under the laws of the state.

(2) Is entitled to the possession of the estate's real property.

(3) Is authorized by the appointing court to exercise the particular right, privilege, or immunity that he or she seeks to exercise.

(d) Notwithstanding Section 61200, every qualified voter shall be eligible to be a member of the board of directors of a community services district formed for the purpose of security services in the Lake San Marcos area in San Diego County.

(e) Any community services district formed for the purpose of security services in the Lake San Marcos area in San Diego County may exercise the powers of a community services district pursuant to only subdivision (h) of Section 61600.

(f) Any community services district formed for the purpose of security services in the Lake San Marcos area in San Diego County shall be formed in a combined election pursuant to subdivision (c) of Section 61116.

(g) In all other respects, a community services district formed after a petition pursuant to this section shall be governed by the provisions of this part.

61101: A proposal to form a new district may be made by petition which shall do all of the following:

(a) State that the proposal is made and request that proceedings be taken for the formation pursuant to this part.

(b) Set forth a description of the boundaries of the territory to be included in the district.

(c) Set forth the methods by which the district will be financed.

(d) State the reasons for forming the district.

(e) Propose a name for the district.

(f) Designate no more than three persons as chief petitioners, setting forth their names and mailing addresses.

(g) State whether the formation is consistent with the sphere of influence of any affected city or affected district.

(h) Specify the number of members, either three or five, of the initial board of directors and the method of their selection, as provided by Chapter 3 (commencing with Section 61120).

61102

(a) Before circulating any petition, the chief petitioners shall publish a notice of intention which shall include a written statement not to exceed 500 words in length, setting forth the reasons for forming the district: The notice shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the territory proposed to be included in the district: If the territory proposed to be included in the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each of the counties.

(b) The notice shall be signed by at least one, but not more than three, chief petitioners and shall be in substantially the following form:

"Notice of Intent to Circulate Petition

Notice is hereby given of the intention to circulate a petition proposing to form the \_\_\_\_ (name of the district): The reasons for the proposal are: \_\_\_\_."

(c) Within five days after the date of publication, the chief petitioners shall file with the executive officer of the local agency formation commission of the principal county a copy of the notice together with an affidavit made by a representative of the newspaper in which the notice was published certifying to the fact of publication.

(d) After the filing required pursuant to subdivision (c), the petition may be circulated for signatures.

61103: The petition shall be signed by not less than 10 percent of the registered voters residing in the area to be included in the district, as determined by the local agency formation commission pursuant to subdivision (h) of Section 56375: Sections 100 and 104 of the Elections Code shall govern the signing of the petition and the format of the petition.

61104: A petition may consist of a single instrument or separate counterparts: The chief petitioner or petitioners shall file the petition, including all counterparts, with the executive officer of the local agency formation commission of the principal county within six months of the date on which the chief petitioner or petitioners filed the affidavit with the executive officer pursuant to subdivision (c) of Section 61102.

61105

(a) Within 30 days after the date of filing a petition, the executive officer of the local agency formation commission shall cause the petition to be examined and shall prepare a certificate of sufficiency indicating whether the petition is signed by the requisite number of signers.

(b) If the certificate of the executive officer shows the petition to be insufficient, the executive officer

shall immediately give notice by certified mail of the insufficiency to the chief petitioners: That mailed notice shall state in what amount the petition is insufficient: Within 15 days after the date of the notice of insufficiency, the chief petitioners may file with the executive officer a supplemental petition bearing additional signatures.

(c) Within 10 days after the date of filing a supplemental petition, the executive officer shall examine the supplemental petition and certify in writing the results of his or her examination.

(d) The executive officer shall sign and date a certificate of sufficiency: That certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the executive officer's examination: The executive officer shall mail a copy of the certificate of sufficiency to the chief petitioners.

#### 61106

(a) A proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county or city which contains territory proposed to be included in the district: Except for the provisions regarding signers and signatures, a resolution of application shall contain all of the matters specified for a petition in Section 61101: Before submitting a resolution of application, the legislative body shall conduct a public hearing on the resolution.

(b) Notice of the hearing shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the county or city.

(c) At the hearing, the legislative body shall give any person an opportunity to present his or her views on the resolution.

(d) The clerk of the legislative body shall file a certified copy of the resolution of application with the executive officer of the local agency formation commission of the principal county.

61107: Once the chief petitioners have filed a sufficient petition or a legislative body has filed a resolution of application, the local agency formation commission shall proceed pursuant to Chapter 5 (commencing with Section 56825) of Part 3 of Division 3 of Title 5.

61107.1: Nothing in Section 61121.1, 61601.26, 61601.27, 61613.2, 61613.3, 61613.5, 61621.4, 61621.10, or 61742.1 shall affect the San Joaquin County local agency formation commission's exercise of authority under Section 61107.

#### 61110

(a) If the local agency formation commission approves the formation of a district, with or without amendment, wholly, partially, or conditionally, the executive officer shall mail a copy of the resolution of the commission's determinations to the board of supervisors of each county within which territory of the proposed district lies: Within 35 days following the adoption of the commission's resolution, the board of supervisors shall call and give notice of the election to be held in the proposed district: If the proposed district lies in more than one county, the board of supervisors shall call and give notice of the election to be held in the territory of the proposed district which lies in that county.

(b) The election shall be held on the next regular or special election date not less than 113 nor more

than 150 days after the date the board of supervisors calls and gives notice of the election.

(c) Notice of the election shall be published pursuant to Section 6061 in a newspaper of general circulation circulated within the territory of the proposed district which lies in the county.

#### 61111

(a) Notwithstanding Section 61110, if the board of supervisors of the principal county finds that the petition filed with the executive officer of the local agency formation commission pursuant to Section 61104 has been signed by not less than 80 percent of the registered voters residing within the area to be included within the district, the board may dispense with an election, adopt the resolution required pursuant to Section 61117, and designate the members of the board of directors pursuant to Chapter 3 (commencing with Section 61120).

(b) Notwithstanding Section 61110, if the local agency formation commission approves a consolidation or reorganization pursuant to Section 56839 that results in the formation of a district without an election, the commission may designate the members of the board of directors from the membership of the board of directors of any of the consolidated or reorganized districts pursuant to subdivision (k) of Section 56844: The terms of office of the directors shall be determined pursuant to Section 10505 of the Elections Code.

61112: Within five days after the district formation election has been called, the board of supervisors of each county within which territory of the proposed district lies shall transmit by registered mail a written notification of the election call to the executive officer of the local agency formation commission of the principal county: The written notice shall include the name and a description of the proposed district and may be in the form of a certified copy of the resolution adopted by the board of supervisors calling the district formation election.

The executive officer of the local agency formation commission shall submit an impartial analysis of the proposed district formation to the officials in charge of conducting the district formation election, pursuant to Section 56859.

#### 61113

(a) The chief petitioners, the agency filing the resolution, or any member or members of the board of supervisors authorized by the board, any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of these voters and associations of citizens, may file with the elections official of the principal county a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length: Based on the time reasonably necessary to prepare and print the text of the proposition, analysis, arguments, and sample ballots and to permit the 10-day public examination period as provided in Section 9190 of the Elections Code for the particular election, the elections official of the principal county shall fix and determine a reasonable date prior to the election after which no arguments for or against the measure may be submitted for printing and distribution to the voters pursuant to Section 61114: Notice of the date fixed shall be published by the elections official pursuant to Section 6061. Arguments may be changed until and including the date fixed by the elections official.

(b) If more than one argument for or more than one argument against the proposed district formation is filed with the elections official within the time prescribed, the elections official shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the elections official shall give preference and priority, in the order named, to the arguments of the following:

- (1) Chief petitioners or the agency filing the resolution.
- (2) The board of supervisors or any member or members of the board authorized by the board.
- (3) Individual voters or bona fide associations of citizens or a combination of these voters and associations.

(c) When the elections official of the principal county has selected the arguments for and against the measure which will be printed and distributed to the voters, he or she shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor: The authors may prepare and submit rebuttal arguments not exceeding 250 words: The rebuttal arguments shall be filed with the elections official of the principal county not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments: Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut and shall be titled "Rebuttal to Argument in Favor of Measure (or Proposition) \_\_\_\_" or "Rebuttal to Argument Against Measure (or Proposition) \_\_\_\_," the blank spaces being filled in only with the letter or number, if any, that designates the measure: Words used in the title shall not be counted when determining the length of any rebuttal argument.

61114: The elections officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question at least 10 days prior to the date of the election: The ballot pamphlet is "official matter" within the meaning of Section 13303 of the Elections Code. Section 9190 of the Elections Code shall apply to the materials required to be contained in the ballot pamphlet.

The ballot pamphlet shall contain the following, in the order prescribed:

- (a) The complete text of the proposition.
- (b) The impartial analysis of the proposition submitted by the executive officer of the local agency formation commission.
- (c) The argument for the proposed district formation.
- (d) The rebuttal to the argument in favor of the proposed district formation.
- (e) The argument against the proposed district formation.
- (f) The rebuttal to the argument against the proposed district formation.

61115: The notice of the election published pursuant to subdivision (c) of Section 61110 shall contain



all of the following:

- (a) The date of the election.
- (b) The name of the proposed district.
- (c) The purposes for which the district is to be formed.
- (d) A statement that the first directors will be elected at that election or will be appointed, as the case may be, if the district is formed.
- (e) A description of the boundaries of the proposed district.

61116

- (a) Except as otherwise provided in this chapter, the formation election and the election of members of the district board, if any, shall be held and conducted in accordance with the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code).
- (b) If less than a majority of the votes cast at the election is in favor of forming the district, the board of supervisors of the principal county shall declare the proceedings terminated.
- (c) Notwithstanding subdivision (b), the formation election may be combined with a proposal for the adoption by the voters of a special tax and presented to the voters as a single ballot proposition: If both proposals are presented as a single ballot proposition, the proposed district shall not be formed and the special tax shall not take effect unless the proposition is approved by two-thirds of the voters voting upon the proposition: If less than two-thirds of the votes cast at the election is in favor of forming the district, the board of supervisors shall declare the proceedings terminated.

61117: If the majority of the votes cast at the election is in favor of forming the district or if, pursuant to subdivision (c) of Section 61116, two-thirds of the votes cast at the election is in favor of forming the district, the board or boards of supervisors shall by resolution entered on its minutes declare the district duly organized under this division, giving the name of the district, and the purposes for which it is formed, and describing its boundaries. If the district lies in more than one county, the clerk of the board of supervisors of the principal county shall transmit a certified copy of the resolution to the clerk of the board of supervisors of each of the other counties in which the district lies.

61118: Immediately after adoption of a resolution pursuant to Section 61117, the clerk of the board of supervisors of the principal county shall transmit a certified copy of the resolution along with a remittance to cover the fees required by Section 54902.5 to the executive officer of the local agency formation commission: The executive officer shall complete the proceedings pursuant to Chapter 8 (commencing with Section 57200) of Part 4.

61119

- (a) No informality in any proceeding, including informality in the conduct of any election not substantially affecting adversely the legal rights of any person, shall invalidate the formation of any district.

(b) The validity of the formation and organization of a district shall not be contested in any proceeding commenced more than 60 days after the date that the formation of the district is complete.

61120: The initial board of directors of a district formed on or after January 1, 1990, shall be determined pursuant to this chapter.

61121: In the case of a district which contains only unincorporated territory in a single county, the district board may be elected or may be appointed by the county board of supervisors which may appoint itself as the district board.

61121.1: The initial Board of Directors of the Mountain House Community Services District shall be the Board of Supervisors of San Joaquin County.

61122: In the case of a district which contains only unincorporated territory in more than one county, the district board may be elected or may be appointed by the boards of supervisors of the counties in which the district is located: If the district board is appointed by the boards of supervisors, they shall appoint directors according to the proportionate share of population of that portion of each county within the district, provided that each board of supervisors shall appoint at least one director.

61123: In the case of a district which contains unincorporated territory and the territory of one or more cities:

(a) The district board may be elected or appointed by the county board of supervisors and the city councils in which the district is located: If the district board is to be appointed, the board of supervisors and the city council or councils shall appoint directors according to the proportionate share of population that portion of the county and each city within the district, provided that the board of supervisors and each city council shall appoint at least one director: The board of supervisors or city council may appoint one or more of its own members to the district board.

(b) Notwithstanding subdivision (a), the county board of supervisors may appoint itself as the district board, if the city council of each of the cities consents by resolution.

61124: In the case of a district which includes only incorporated territory within a single city, the district board may be elected or appointed by the city council which may appoint itself as the district board.

61125: In the case of a district which includes only incorporated territory in more than one city, the district board may be elected or appointed by the city councils in which the district is located: If the district board is appointed, the city councils shall appoint directors according to the proportionate share of population of that portion of each city within the district: However, each city council shall appoint at least one director: The city council may appoint one or more of its own members to the district board.

### **PART 3. INTERNAL ORGANIZATION**

61200: Each district shall have a board of three or five directors, as stated in the petition for formation, all of whom shall be registered electors residing within the boundaries of the proposed district and all of whom shall be elected at large.

61200.1

(a) Notwithstanding any other provision of this division, the Board of Directors of the Mountain House Community Services District shall be the Board of Supervisors of San Joaquin County, until conversion to a registered voter board.

(b) If the registrar of voters certifies in writing that the number of registered voters in the district has reached or exceeded 1,000, the board of supervisors shall adopt a resolution placing the question of having a registered voter board of directors on the ballot.

(c) The question shall be submitted to registered voters of the district at a general district election, and notice of the question required by Section 23511 of the Elections Code shall contain a statement of the question to appear on the ballot.

(d) If a majority of the registered voters that voted upon the question are in favor, the members of the board shall be elected at the next general district election.

61204: All vacancies occurring in the office of director shall be filled by appointment by the remaining directors elected.

61204.1: Notwithstanding any other provision of law, a vacancy occurring in the office of a director who has been elected pursuant to Section 61102.5, shall be filled pursuant to Section 1780.

61205: An appointment to fill a vacancy in the office of director shall be for the unexpired terms of the office in which the vacancy exists.

61206: Each director elected or appointed shall hold office until his successor qualifies.

61207: The board may authorize each director to receive compensation not exceeding one hundred dollars (\$100) for each meeting of the board attended by him or for each day's service rendered as a director by request of the board, not exceeding six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

61209: Before entering upon the duties of his office each director shall take and subscribe the official oath before the secretary or any officer authorized by law to administer oaths and shall file it with the secretary.

61210: The number of directors on the board of a district shall be increased to five upon approval by a majority of the voters of a proposition therefor submitted to them at a general or special district election by resolution of the board or by initiative petition: At the time of submitting such a proposition an election shall be held to select two persons to serve as directors in the event that the proposition is adopted.

61210.1

(a) Notwithstanding Sections 61200 and 61210, the local agency formation commission, in approving either a consolidation or reorganization of two or more districts into a single community services district may, pursuant to subdivisions (k) and (n) of Section 56844, increase the number of directors to serve on the board of directors of the consolidated or reorganized district to seven, nine, or eleven, who

shall be members of the board of directors of the districts to be consolidated or reorganized as of the effective date of the consolidation or reorganization.

(b) Upon the expiration of the terms of the members of the board of directors of the consolidated district, or a district reorganized as described in subdivision (a), whose terms first expire following the effective date of the consolidation or reorganization, the total number of members on the board of directors shall be reduced until the number equals the number of members specified by the local agency formation commission in approving the consolidation or reorganization.

(c) In addition to the powers granted under Section 1780, in the event of a vacancy on the board of directors of the consolidated district or a district reorganized as described in subdivision (a) at which time the total number of directors is greater than five, the board of directors may, by majority vote of the remaining members of the board, choose not to fill the vacancy: In that event, the total membership of the board of directors shall be reduced by one board member: Upon making the determination not to fill a vacancy, the board of directors shall notify the board of supervisors of its decision.

(d) This section shall only apply to a consolidation or reorganization in which each subject agency was an independent special district prior to initiation of the consolidation or reorganization.

(e) For purposes of this section: "consolidation" means consolidation as defined in Section 56030 ; "district" or "special district" means a district or special district as defined in Section 56036; "independent special district" means an independent special district as defined in Section 56044; and "reorganization" means a reorganization as defined in Section 56073.

61220: Within 30 days after the election of the first directors and thereafter within 30 days after each general district election the directors shall meet and organize as a board and may thereupon transact any business of the district.

61221: The board shall:

- (a) Elect one of its members president.
- (b) Provide for the time and place of holding its regular meetings.
- (c) Provide for the manner of calling special meetings.

61222

(a) If a majority of the voters voting upon the question at a general district or special election are in favor, a district which has an appointed board shall have an elected board, or a district which has an elected board shall have an appointed board.

(b) The board may adopt a resolution placing the question on the ballot: Alternatively, upon receipt of a petition signed by at least 10 percent of the registered voters of the district, the board shall adopt a resolution placing the question on the ballot.

(c) If the question is submitted to the voters at a general district election, the notice required by Section 12115 of the Elections Code shall contain a statement of the question to appear on the ballot: If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a

statement of the question.

(d) If a majority of voters voting upon the question approves of changing from an appointed board to an elected board, the members of the board shall be elected at the next general district election: If a majority of voters voting upon the question approves of changing from an elected board to an appointed board, members shall be appointed to the board as vacancies occur.

(e) Before circulating any petition pursuant to this section, the chief petitioners shall publish a notice of intention which shall include a written statement not to exceed 500 words in length, setting forth the reasons for the proposal: The notice shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the district: If the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each of the counties.

(f) The notice shall be signed by at least one, but not more than three, chief petitioners and shall be in substantially the following form: "Notice of Intent to Circulate Petition

Notice is hereby given of the intention to circulate a petition affecting the Board of Directors of the \_\_\_\_\_ (name of the district). The petition proposes that \_\_\_\_\_ (description of the proposal)."

(g) Within five days after the date of publication, the chief petitioners shall file with the secretary of the board a copy of the notice together with an affidavit made by a representative of the newspaper in which the notice was published certifying to the fact of publication: After the filing, the petition may be circulated for signatures: Sections 100 and 104 of the Elections Code shall govern the signing of the petition and the format of the petition.

(h) A petition may consist of a single instrument or separate counterparts: The chief petitioner or petitioners shall file the petition, together with all counterparts, with the secretary of the board: The secretary shall not accept a petition for filing unless the signatures have been secured within six months of the date on which the first signature was obtained and the chief petitioner or petitioners submitted the petition to the secretary for filing within 60 days after the last signature was obtained.

(i) Within 30 days after the date of filing a petition, the secretary of the board shall cause the petition to be examined and shall prepare a certificate of sufficiency indicating whether the petition is signed by the requisite number of signers: The secretary shall cause the names of the signers on the petition to be compared with the voters' register in the office of the county elections official and ascertain (1) the number of registered voters in the district, and (2) the number of qualified signers appearing upon the petition.

(j) If the certificate of the secretary shows the petition to be insufficient, the secretary shall immediately give notice by certified mail of the insufficiency to the chief petitioners: That mailed notice shall state in what amount the petition is insufficient: Within 15 days after the date of the notice of insufficiency, the chief petitioners may file with the secretary a supplemental petition bearing additional signatures: Within 10 days after the date of filing a supplemental petition, the secretary shall examine the supplemental petition and certify in writing the results of his or her examination.

(k) The secretary shall sign and date a certificate of sufficiency: That certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the secretary's

examination: The secretary shall mail a copy of the certificate of sufficiency to the chief petitioners.

(l) Once the chief petitioners have filed a sufficient petition, the district board shall take the actions required pursuant to this section.

61223: The board shall act only by ordinance, resolution, or motion.

61224: A majority of the board shall constitute a quorum for the transaction of business.

61225: No ordinance, resolution, or motion shall be passed or become effective without the affirmative votes of at least a majority of the members of the board.

61226: Except where action is taken by the unanimous vote of all directors present and voting, the ayes and noes shall be taken upon the passage of all ordinances, resolutions, or motions and entered upon the minutes of the board.

61227: The form of enacting clause of all ordinances passed by the board shall be: "Be it ordained by the board of directors of \_\_\_\_ District as follows:".

61228: All ordinances shall be signed by the president and attested by the secretary.

61229: All legislative sessions of the board shall be public.

61230: By resolution, the board may change the name of the district. The change of name shall be effective upon recording a certified copy in the office of the county recorder of the county or counties in which the district is situated.

61231: Any person who is a director of an irrigation district may hold office as a director of a community services district and the holding of two such positions by such person at the same time shall not be incompatible.

61240: The board shall, at its first meeting or as soon thereafter as practicable, appoint by a majority vote:

(a) A general manager;

(b) A secretary, who may also be the general manager and act as treasurer.

61241: A director shall not be general manager or secretary.

61242: The general manager and secretary shall each receive the compensation determined by the board and shall serve at its pleasure.

61244: The board may at any time appoint or employ, fix the compensation of, and prescribe the authorities and duties of other officers, employees, attorneys, and engineers necessary or convenient for the business of the district.

61245: The general manager and secretary and other employees or assistants of the district required so to do by the board shall each give a bond to the district conditioned for the faithful performance of his

duties as the board may provide.

61300: The board is the governing body of the district.

61301: The powers of districts enumerated in this division shall, except as therein otherwise provided, be exercised by the board.

#### **PART 4. ELECTIONS**

61400: The Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code) shall govern all general district elections and Part 2 (commencing with Section 10100) of Division 10 of the Elections Code pertaining to the conduct of elections in general law cities shall govern all special district elections.

61401: The first general district election shall be held on the first Tuesday after the first Monday in November of an odd-numbered year if such election is held more than six months subsequent to the date of formation of the district.

61410: If a proposition has been submitted at the election it shall be declared approved if a majority of those voting thereon, or such higher number as may be required by law, vote in favor thereof. Otherwise it shall be declared rejected.

61450: Ordinances may be passed by voters in accordance with Article 1 (commencing with Section 9200) of Chapter 3 of Division 9 of the Elections Code.

61451: Ordinances may be disapproved and thereby vetoed by voters by proceeding in accordance with Article 2 (commencing with Section 9200) of Chapter 3 of Division 9 of the Elections Code.

#### **PART 5. PURPOSES AND POWERS**

61600: A district formed under this law may exercise the powers granted for any of the following purposes designated in the petition for formation of the district and for any other of the following purposes that the district shall adopt:

- (a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.
- (b) The collection, treatment, or disposal of sewage, waste, and storm water of the district and its inhabitants.
- (c) The collection or disposal of garbage or refuse matter.
- (d) Protection against fire.
- (e) Public recreation including, but not limited to, aquatic parks and recreational harbors, equestrian trails, playgrounds, golf courses, swimming pools, or recreational buildings.
- (f) Street lighting.

(g) Mosquito abatement.

(h) The equipment and maintenance of a police department, other police protection, or other security services to protect and safeguard life and property.

(i) To acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.

(j) The constructing, opening, widening, extending, straightening, surfacing, and maintaining, in whole or in part, of any street in the district, subject to the consent of the governing body of the county or city in which the improvement is to be made.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which the improvement is to be made.

(l) The conversion of existing overhead electric and communication facilities to underground locations, which facilities are owned and operated by either a "public agency" or a "public utility," as defined in Section 5896.2 of the Streets and Highways Code, and to take proceedings for and to finance the cost of the conversion in accordance with Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code, subject to the consent of the public agency or public utility responsible for the owning, operation, and maintenance of the facilities: Nothing in this section gives a district formed under this law the power to install, own, or operate the facilities that are described in this subdivision.

(m) To contract for ambulance service to serve the residents of the district as convenience requires, if a majority of the voters in the district, voting in an election thereon, approve.

(n) To provide and maintain public airports and landing places for aerial traffic.

(o) To provide transportation services.

(p) To abate graffiti.

(q) To construct, maintain, and operate flood protection works and facilities, subject to the following conditions:

(1) The planning, design, construction, maintenance, and operation of flood protection works and facilities, or substantially similar works or facilities, is not within the authority of another public agency, except that a public agency and the district are not precluded from entering into agreements for the district to provide those services.

(2) The governing body of the city or county in which the services specified in paragraph (1) are to be provided by the district has consented to the district providing those services.

61600.5: Community services districts may acquire property from a county pursuant to Section 25365.5, borrow or otherwise accept funds from other agencies for the purpose of constructing the facilities referred to therein, and dispose of such property and utilize the proceeds therefrom as



provided in Section 25365.5.

In addition, the district may enter into such agreement with the county or other agency as it deems necessary for the purpose of carrying out the provisions of this section.

61601: Whenever the board determines by resolution that it is feasible, economically sound, and in the public interest for the district to exercise its powers for any of the purposes specified in Section 61600 which are not designated in the petition for formation of the district, the board may call a special district election and submit to the voters of the district, or submit to them at the next general district election, the question of whether the district should adopt the additional purpose or purposes: If a majority of the voters voting on the proposition vote in favor of the adoption of the additional purpose or purposes, then the district may exercise those powers: The district may divest itself of the power to carry on any purpose in the same manner.

#### 61601.1

(a) "Abatement," for the purposes of this section, includes the removal and prevention of graffiti, antigraffiti education, and restitution to any property owner for any injury or damage caused by the removal of graffiti from the property.

(b) A district that is authorized to abate graffiti may:

(1) Remove or contract for the removal of graffiti from any public or private property within its boundaries.

(2) Indemnify or compensate any property owner for any injury or damage caused by the removal of graffiti from property.

(3) Undertake a civil action to abate graffiti as a nuisance pursuant to Section 731 of the Code of Civil Procedure.

(4) Use the services of persons ordered to perform those services by a municipal, superior, or juvenile court.

(5) Use the phrase "Graffiti Abatement District" in the name of the district.

(6) Operate specifically designated telephone "hot lines" for the purpose of receiving reports of unlawful application of graffiti on public or private property.

(7) Operate a program of financial reward, not to exceed one thousand dollars (\$1,000), for information leading to the arrest and conviction of any person who unlawfully applies graffiti to any public or private property.

61601.2: Notwithstanding the provisions of Sections 61600 and 61601, whenever the Board of Directors of the Groveland Community Services District or the Big Bear City Community Services District determines by resolution that it is feasible, economically sound, and in the public interest for the district to exercise its power for the purpose of constructing, installing, owning, maintaining, and operating hydroelectric power generating facilities and transmission lines for the conveyance thereof, either within or without or partly within and partly without the district, the board may adopt that

additional purpose by resolution entered in the minutes, and thereafter the powers of the district may be exercised for that purpose: The district shall, for the purpose of constructing these facilities, have all of the power and authority to issue revenue bonds pursuant to Section 61613.1, which section authorizes the issuance of revenue bonds for other types of revenue producing authorities: The facilities so constructed shall be operated in a manner consistent with the district's storage, transmission, and distribution of irrigation and domestic water and reclaimed waste water: The power generated shall be used for district purposes or sold to a public utility or other public agency engaged in the generation, distribution, use, or sale of electrical power: The board may thereafter divest the district of the power to carry on this activity in the same manner as it acquired that power.

#### 61601.3

(a) Notwithstanding Section 61601 or Section 20681 of the Public Contract Code, whenever the board of directors of a community services district, except the Groveland Community Services District, the McCloud Community Services District, the Clear Creek Community Services District, the Rancho Murieta Community Services District, or the Big Bear City Community Services District, determines by resolution that it is feasible, economically sound, and in the public interest for that district to exercise its power for the purpose of constructing, installing, owning, maintaining, or operating hydroelectric power generating facilities, which facilities are constructed on or after January 1, 1985, and transmission lines for the conveyance of hydroelectric power, the board shall adopt that additional purpose by resolution entered in the minutes, and that power of the district may be exercised thereafter.

The board may, thereafter, divest the district of the power to carry on those activities in the same manner as it may acquire the power.

(b) A community services district shall not acquire property that is utilized to generate hydroelectric power for public utility purposes at the time the district adopts the resolution described in subdivision (a), unless the owner of that property agrees to the acquisition of that property by the district.

(c) The facilities shall be operated in a manner consistent with the district's storage, transmission, and distribution of domestic and irrigation water and in accordance with the provisions of Chapter 2.95 (commencing with Section 35580) of Part 5 of Division 13 of the Water Code.

#### 61601.4

(a) Notwithstanding Section 61600 or Section 20681 of the Public Contract Code, the Board of Directors of the Big Bear City Community Services District may determine by resolution that it is feasible, economically sound, and in the public interest for the district to enter into a joint exercise of powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 with the City of Big Bear Lake or the County of San Bernardino, or both, for the acquisition, operation, and maintenance of the electric distribution system which presently serves the district or for the construction and replacement of, or for additions or improvements to, this system.

(b) The board may adopt this additional purpose by resolution entered in the minutes of a meeting of the board, and thereafter the district may exercise these powers: The district may exercise no power over any other electric distribution system, and may only exercise these powers through a joint exercise of powers agreement.

61601.5: Notwithstanding the provisions of Sections 61600 and 61601, whenever the Board of

Directors of the Dublin-San Ramon Services District determines by resolution that it is feasible, economically sound, and in the public interest for the district to exercise its power for the purpose of conducting studies of the transportation needs of such district, the board shall adopt such additional purpose by resolution entered in the minutes, and the powers of such district may be exercised therefor: Such board may thereafter divest itself of the power to conduct transportation studies in the same manner as it may require such power.

61601.6: Notwithstanding the provisions of Sections 61600 and 61601, whenever the Board of Directors of the Baker Community Services District determines by resolution that it is feasible, economically sound, and in the public interest for the district to exercise its power for the purpose of constructing, improving, maintaining, and operating television translator facilities and related services, or for the purpose of providing, maintaining, operating, and contracting for emergency medical health care facilities and services, the board shall adopt such additional purpose by resolution entered in the minutes, and the powers of such district may be exercised therefor; provided, no more than six translators shall be erected by such district and no more than six television channels shall be provided by such district.

If such district adopts as an authorized purpose the providing, maintaining, operating, and contracting for emergency medical health care facilities and services, such district may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a hospital district pursuant to the Local Hospital District Law, Division 23 (commencing with Section 32000) of the Health and Safety Code, insofar as these powers, functions, and duties relate to the provision of emergency medical health care facilities and services.

Such board may thereafter divest such district of the power to provide such facilities and services in the same manner as it may acquire such power.

61601.7: Notwithstanding the provisions of Sections 61600 and 61601, whenever the Board of Directors of the Golden Hills Community Services District or the Board of Directors of the Ranch House Estates Community Services District determines by resolution that it is feasible, economically sound, and in the public interest for the district to exercise its power for the purpose of enforcing the covenants, conditions, and restrictions adopted for each tract within the boundaries of the district, and to assume the duties of the architectural control committee for each tract within the boundaries of the district and for other tracts as may be annexed from time to time, for the purpose of maintaining uniform standards of development within the district as adopted in the covenants, conditions, and restrictions, the board shall adopt the additional purpose by resolution entered in the minutes and that power of the district may be exercised thereafter.

The board may thereafter divest the district of the power to carry on those activities in the same manner as it may acquire that power.

For the purposes of this section, "tract" means any parcel of land for which the county has authorized development.

61601.8: Notwithstanding the provisions of Sections 61600 and 61601, whenever the Board of Directors of the Bear Valley Community Services District determines by resolution that it is feasible, economically sound, and in the public interest for the district to exercise its power for the purpose of constructing, improving, maintaining, and operating television translator facilities and related services, the board may propose to the electors and adopt, pursuant to the provisions of Section 61601, such

additional purpose; provided, no more than six translators shall be erected by such district and no more than six television channels shall be provided by such district.

Such board may thereafter divest such district of the power to provide such facilities and services in the same manner as it may acquire such power.

61601.9: Notwithstanding Sections 61600 and 61601, whenever the Board of Directors of the El Dorado Hills Community Services District determines by resolution that it is feasible, economically sound, and in the public interest for the district to exercise its power for the purpose of constructing, improving, maintaining or operating television receiving, translating or distribution facilities, to provide television and television-related services to the district and its inhabitants, or to authorize the construction and operation of a cable television system to serve the district and its inhabitants by franchise or license, the board may adopt such additional purposes by resolution entered in the minutes, and the powers of the district may be exercised therefor: In authorizing the construction and operation of a cable television system by franchise or license, the district shall have the same powers as a city or a county under Sections 53066 and 53066.1.

#### 61601.95

(a) Notwithstanding Sections 61600 and 61601, whenever the Board of Directors of the Lake Arrowhead Community Services District determines, by resolution, that it is feasible, economically sound, and in the public interest for the district to acquire, construct, and operate facilities for the collection, treatment, and disposal of sewage and waste water of inhabitants outside its boundaries, the board shall adopt those additional purposes by resolution entered in the minutes, and the powers of the district may be exercised therefor if the electors of the district approve: In no event shall the district provide sewer services to inhabitants outside of its district boundaries if the inhabitants are included within another public agency currently providing sewer services, unless that public agency consents to the sewer services by resolution or ordinance: "Public agency," as used in this section, includes a city, county, district, municipal or public corporation, or any other political subdivision of the state, but shall not include a public utility subject to the jurisdiction, control, and regulation of the Public Utilities Commission.

(b) The Lake Arrowhead Community Services District may not proceed with an election to approve the provision of those additional purposes specified in subdivision (a), unless the provision of the additional purposes is approved by the local agency formation commission: A proposal for the provision of the services specified in subdivision (a) shall be made by the adoption of a resolution of application by the district board and filed with the executive officer of the local agency formation commission:

Upon the filing of a resolution of application, the executive officer shall set the matter for hearing by the commission and give notice thereof in the manner provided by Part 4 (commencing with Section 56250) of Division 1 of Title 6.

#### 61601.10

(a) Notwithstanding the provisions of Section 61600, whenever the board of directors of a district listed in subdivision (b) determines by resolution that it is feasible, economically sound, and in the public interest, and if a majority of the voters voting on the proposition vote in favor of the additional purpose pursuant to Section 61601, the district may enforce the covenants, conditions, and restrictions

adopted for each tract within the district and assume the duties of the architectural control committee for each tract within the district for the purposes of maintaining uniform standards of development within each tract as adopted in the covenants, conditions, and restrictions: The district shall exercise the duties of an architectural control committee for any tract only to the extent that an architectural control committee is authorized by the covenants, conditions, and restrictions that apply to the tract: For the purposes of this subdivision, "tract" means any parcel of land for which the county or the city has authorized development: The district may divest itself of the power in the same manner as the power was acquired.

(b) This section shall apply only to the following districts:

- (1) Bel Marin Keys Community Services District.
- (2) Big River Community Services District.
- (3) Brooktrails Community Services District.
- (4) Cameron Estates Community Services District.
- (5) Cameron Park Community Services District.
- (6) El Dorado Hills Community Services District.
- (7) Golden West Community Services District.
- (8) Lake Shastina Community Services District.
- (9) Rancho Murieta Community Services District.
- (10) Salton Community Services District.
- (11) Sea Oasis Community Services District.
- (12) Stallion Springs Community Services District.
- (13) Tenaja Community Services District.
- (14) Springfield Meadows Community Services District.
- (15) Wallace Community Services District.
- (16) Mountain House Community Services District.

61601.11: In addition to the powers which may be exercised pursuant to Section 61600, whenever the Board of Directors of the El Dorado Hills Community Services District determines by resolution, entered in the minutes, that it is feasible, economically sound, and in the public interest, and if a majority of the voters voting on the proposition vote in favor of the adoption of the additional purpose pursuant to Section 61601, the district may acquire, construct, own, operate, control or use, within or without or partly within and partly without the district, works for supplying its inhabitants with electricity, and may purchase and distribute any such service from any other district, person, or company: However, regarding any works or facilities of any privately owned public utility that is doing business in El Dorado County on January 1, 1983, the district shall not acquire, except by mutual agreement between the district and the utility, any of these works or facilities for the generation of electric

power, or take possession of any of these works or facilities prior to judgment in an eminent domain proceeding: For these purposes, the district shall have all of the power and authority to issue revenue bonds, pursuant to Section 61613.1, which authorizes the issuance of revenue bonds for other types of revenue producing enterprises: Whenever any of such works, or the electrical energy made available thereby, is not used or employed to its fullest capacity for the benefit of the district or its inhabitants, the district may employ such surplus works or energy to supply service outside the boundaries of the district upon such terms and conditions as the board determines to be for the best interests of the district.

(a) Notwithstanding Section 61601 or Section 20681 of the Public Contract Code, whenever the Board of Directors of the Rancho Murieta Community Services District determines by resolution that it is feasible, economically sound, and in the public interest for the district to exercise its power for the purpose of acquiring, constructing, improving, maintaining, or operating television receiving, translating, or distribution facilities, to provide television and television-related services to the district and its inhabitants, to acquire, construct, improve, maintain, or operate burglar and fire alarm facilities, to provide burglar and fire alarm services to the district and its inhabitants, or to authorize the construction and operation of a cable television system to serve the district and its inhabitants by franchise or license, the board may adopt the additional purposes by resolution entered in the minutes, and the powers of the district may thereafter be exercised for these purposes.

(b) In authorizing the construction and operation of a cable television system by franchise or license, the district shall have the same powers as a city or a county under Sections 53066 and 53066.1.

(c) In addition to any other authority granted to districts by this part to finance the facilities described in subdivision (a), the district shall, for the purpose of acquiring, constructing, improving, or financing these facilities, have the power to issue revenue bonds pursuant to Section 61613.1.

(d) At the next general district election, the question of whether the board may continue to exercise the power granted pursuant to subdivision (a) may, with the approval of the board of supervisors, be submitted to the voters of the district: If the proposition is not approved by a majority of the voters of the district voting on the proposition, the authority granted in subdivision (a) shall have no further force or effect.

#### 61601.15

(a) Notwithstanding Section 61601 or Section 20681 of the Public Contract Code, the Rancho Murieta Community Services District may construct, maintain, and operate hydroelectric power generating facilities and transmission lines for the conveyance of that power. The facilities shall be operated in a manner consistent with the district's storage, transmission, and distribution of irrigation and domestic water: The power to construct, maintain, and operate hydroelectric power generating facilities and transmission lines shall not include the power to acquire property which is already utilized in the generation of hydroelectric power for public utility purposes, except by mutual agreement between the district and the owner of that property.

(b) The hydroelectric facilities and transmission lines may be leased for operation to, or the power generated may be sold to, a public utility or public agency engaged in the distribution, use, or sale of electricity: The power generated may be used by the district for its own purposes, or for the production or transmission of water, but shall not be offered for sale directly by the district to customers other than a public utility or public agency for any use other than the production or transmission of water.

(c) In addition to any other authority granted to districts to finance these facilities and transmission lines, the district shall, for the purpose of acquiring, constructing, improving, or financing these facilities and lines, have the power to issue revenue bonds pursuant to Section 61613.1.

(d) At the next general district election, the question of whether the board may continue to exercise the power granted pursuant to subdivision (a) may, with the approval of the board of supervisors, be

submitted to the voters of the district: If the proposition is not approved by a majority of the voters of the district voting on the proposition, the authority granted in subdivision (a) shall have no further force or effect.

61601.165

(a) As used in this section "local legislative body" means the Board of Directors of the Brooktrails Community Services District.

(b) A declaration of covenants, conditions, and restrictions which specifies a termination date, but contains no provision to extend the termination date may be extended under the following circumstances:

(1) The subdivision is not a common interest development as defined in subdivision (c) of Section 1351 of the Civil Code.

(2) The existing covenants, conditions, and restrictions will not terminate prior to the confirmation of their extension by a local legislative body.

(3) Property owners, representing the lesser of either 10 percent of the lots or parcels in the affected subdivision or 50 individual lot or parcel owners, petition their local legislative body in writing to adopt a resolution of intention to commence proceedings to extend the covenants, conditions, and restrictions: The petition shall include the names and addresses of the three chief petitioners and the nature of the request.

(4) The extension of the termination date will not be for a period of time in excess of four years.

(c) When a petition with the required number of signatures has been presented, the local legislative body shall adopt a resolution of intention: The resolution may do all of the following:

(1) Briefly describe the subdivision as it is commonly known.

(2) Recite the period of time for which the covenants, conditions, and restrictions are to be extended.

(3) Appoint a time and place for hearing protests, which shall take place not less than 15 days, nor longer than 65 days, after adoption of the resolution of intention.

(d) The local legislative body shall cause to be mailed to each property owner within the subject subdivision all of the following:

(1) A copy of the resolution of intention.

(2) A copy of the existing covenants, conditions, and restrictions for which an extension is requested.

(3) A statement to the recipient indicating the procedure to file a protest and that in the absence of a protest the extension may be deemed approved.

(e) At a time not later than the hour set for hearing protests, any owner of any lot or parcel subject to the covenants, conditions, and restrictions, may make a written or oral protest against the proposed

extension of the termination date.

(f) The local legislative body shall hear and consider all protests at the time appointed therefor, or at any time to which it may adjourn the hearing upon giving at least 15 days' notice of the rescheduled hearing to affected parties, and, in the absence of a 25 percent protest, may confirm the extension of the termination date. Upon adoption of the resolution, the local legislative body shall record the document and notify all affected property owners of the extension: The extension of the covenants, conditions, and restrictions shall be effective upon recording of the resolution and shall be deemed to relate back to the recording of the original covenants, conditions, and restrictions.

(g) If there is a protest by 25 percent or more of the owners of lots or parcels of the subject subdivision, the local legislative body shall deny the extension of the termination date of the covenants, conditions, and restrictions.

(h) The local legislative body may impose fees necessary to implement this section: Any fees shall not exceed the cost of processing the petition, noticing and conducting the hearing, and the cost of recording any resolution and to notify affected property owners of the extension of the term of the covenants, conditions, and restrictions.

61601.166

(a) The Legislature finds and declares that it is in the public interest to permit the extension of the term of covenants, conditions, and restrictions contained in a declaration of covenants, conditions, and restrictions applicable to a tract within the boundaries of the Brook trails Community Services District if owners of more than 50 percent of the lots or parcels in the tract choose to do so.

(b) A declaration which specifies a termination date, but which contains no provision for extension of the termination date, may be extended by the approval of owners of more than 50 percent of the lots or parcels in the tract or any greater percentage specified in the declaration for an amendment thereto.

(c) Any amendment to a declaration made in accordance with subdivision (b) shall become effective upon recordation and shall relate back to the recording of the original declaration.

(d) No single extension of the terms of the declaration made pursuant to this section shall exceed the initial term of the declaration or 20 years, whichever is less: However, more than one extension may occur pursuant to this section.

61601.18

(a) Notwithstanding Sections 61600 and 61601, whenever the Board of Directors of the Heritage Ranch Community Services District determines by resolution that it is feasible, economically sound, and in the public interest for the district to exercise its power for the purpose of acquiring, constructing, improving, upgrading, maintaining, or operating storage tanks and related facilities to provide petroleum to the district, its inhabitants, and visitors to the Heritage Ranch community, the board may adopt those additional purposes by resolution in the minutes, and the powers of the district may thereafter be exercised for those purposes.

(b) The authority granted by this section shall expire when a private person or entity is ready, willing, and able to acquire, construct, improve, upgrade, maintain, or operate storage tanks and related



facilities to provide petroleum to the Heritage Ranch Community Services District, its inhabitants, and visitors to the community: At that time, the district shall diligently transfer any and all of its title, ownership, maintenance, control, and operation of those tanks and related facilities at a fair market value to that private person or entity.

61601.19: Notwithstanding Section 61600 and 61601, whenever the Board of Directors of the Ranch House Estates Community Services District determines by resolution that it is feasible, economically sound, and in the public interest for the district to exercise its power for the purpose of constructing, improving, maintaining, or operating facilities for the collection, treatment, and disposal of sewage and waste water of inhabitants inside its boundaries, the board may adopt the additional purposes by resolution entered in the minutes, and the powers of the district may be exercised therefor. The board may thereafter divest the district of the power to carry on activities in the same manner as it may acquire the power.

61601.21: Notwithstanding Sections 61600 and 61601, whenever the Board of Directors of the Jurupa Community Services District determines, by resolution, that it is feasible, economically sound, and in the public interest for the district to exercise its powers for the purpose of installing or planting and maintaining landscaping within public street rights-of-way or easements within the district, the board may adopt that additional purpose by resolution, and thereafter the powers of the district may be exercised for that purpose: The district shall, for the purpose of installing or planting and maintaining landscaping, be authorized to provide for and accomplish that purpose through proceedings pursuant to the Landscaping and Lighting Act of 1972 (Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code).

61601.22: In addition to the powers which may be exercised pursuant to Section 61600, whenever the Board of Directors of the Stallion Springs Community Services District determines by resolution, entered into the minutes, that it is feasible, economically sound, and in the public interest, and if pursuant to Section 61601, a majority of the voters voting on the proposition vote in favor of the adoption of the additional purpose, the district may construct, repair, and maintain mailboxes within district road rights-of-way and adopt rules for the purpose of maintaining uniform standards of mailboxes within the district: The power to carry on that activity may be divested in the same manner as that power was acquired. Notwithstanding any other provision of law, a reasonable charge may be assessed to cover the cost of construction, repair, and maintenance of mailboxes, which shall not exceed twenty-five dollars (\$25) for each mailbox user on a one-time basis.

61601.24: In addition to the powers that may be exercised pursuant to Section 61600, the Leavitt Lake and Westwood Community Services Districts may provide for animal control, subject to the consent of the Board of Supervisors of Lassen County.

61601.25

(a) In addition to the purposes authorized by this chapter, the Board of Directors of the Bear Valley Community Services District may, pursuant to Section 61601, exercise the following powers:

(1) Provide, maintain, operate, and contract for facilities and services for the control, removal, and eradication of local pine bark beetle infestations in accordance with any required plan or program approved by the Department of Forestry and Fire Protection to ensure consistency with the policies of the State Board of Forestry and Fire Protection.

(2) Acquire, construct, improve, or maintain mail receptacle facilities for mail delivery services to the district and its inhabitants.

(3) Adopt and enforce by ordinance measures for the abatement, control, and removal of weeds on property within the district.

(b) Notwithstanding Sections 61600 and 61601, whenever the board of directors determines, by resolution, that it is feasible, economically sound, and in the public interest for the district to exercise its power, the board may contract with the United States Postal Service for mail delivery services to the district and its inhabitants, including, but not limited to, leasing space to the United States Postal Service, a nonprofit corporation, or a private entity for mail delivery and packaging services.

(c) If the board does contract with the United States Postal Service to provide mail delivery services as provided in subdivision (b), the board shall submit a ballot measure to the voters of the district no later than November 3, 1998, for this purpose: If the voters reject the measure, the board shall terminate the contract at the earliest reasonable time.

61601.26: In addition to the powers that may be exercised pursuant to Sections 61600 and 61601, the Mountain House Community Services District may exercise the following powers, including, but not limited to:

(a) Provide for animal control, subject to the consent of the Board of Supervisors of San Joaquin County.

(b) Provide flood control protection, including, but not limited to, building and maintaining levees and channel clearance for stormwaters and floodwaters, subject to the consent of the Board of Supervisors of the San Joaquin County Flood Control and Water Conservation District and in cooperation with the state to the extent of the state's jurisdiction.

(c) Adopt and enforce by ordinance measures for the abatement of pests and the control, removal, and abatement of weeds, rubble, and rubbish on property within the district: Enforcement may include imposition of charges, which may constitute a special assessment against a property and may become a lien thereon, and may also include the cost of abatement, and civil penalties for failure to comply.

(d) Adopt and enforce by ordinance water conservation measures to the extent that the ordinance is not less restrictive than a similar ordinance adopted by the county.

(e) Acquire, own, maintain, and operate land for wildlife habitat mitigation or other environmental protection or mitigation within or without the district.

(f) To provide facilities for television and telecommunications systems including the installation of wires, cables, conduits, fibre optic lines, terminal panels, service space, and appurtenances required to provide television, telecommunication, and data transfer services to the district and its inhabitants, and provide facilities for a cable television system, including the installation of wires, cables, conduits, and appurtenances to serve the district and its inhabitants by franchise or license; provided, however, that the district may not provide or install any facilities under this subdivision unless one or more cable franchises or licenses have been awarded under Section 53066 and the franchised or licensed cable television and telecommunications services providers are permitted equal access to the utility trenches, conduits, service spaces, easements, utility poles, and rights-of-way in the district necessary to

construct their facilities concurrently with the construction of the district's facilities: The district shall not have the authority to operate television, cable, or telecommunications systems: The district shall have the same powers as a city or county under Section 53066 in granting a franchise or license for the operation of a cable television system.

(g) Provide and maintain equipment, tools, and administrative facilities, including, but not limited to, shops, storage areas, and maintenance yards.

(h) Disseminate information to the public concerning activities and actions within the district.

(i) Acquire, own, maintain, and operate land for disposal of sewage effluent by irrigation or otherwise within or outside of the district, subject to all applicable state and federal laws, except within the area described in Section 29728 of the Public Resources Code.

(j) Acquire, own, maintain, and operate land for disposal of sludge created by a water treatment plant and sewage treatment plant within or outside of the district, subject to all applicable state and federal laws, except within the area described in Section 29728 of the Public Resources Code.

61601.27: Formation of the Mountain House Community Services District, and any powers that may be exercised by the district, shall be subject to approval by the local agency formation commission for San Joaquin County in accordance with the Cortese-Knox Local Government Reorganization Act of 1985 (Division 1 (commencing with Section 56000) of Title 6), following the submittal of a resolution of application.

61601.28: In addition to the powers which may be exercised pursuant to Section 61600 and after approval by the local agency formation commission for Ventura County in accordance with the Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000) of Title 5), whenever the board of directors of the Ahmanson Ranch Community Services District determines by resolution, entered into the minutes, that it is feasible, economically sound, and in the public interest, the board of directors may adopt by resolution and thereafter the powers of the district may be exercised for the purposes of: coordinating affordable housing programs; maintaining and repairing bicycle and multipurpose trails; slope maintenance on slopes adjacent to public or private rights-of-way; the maintenance, operation, and capital replacement of community facilities including, but not limited to, government buildings such as a town hall and a community maintenance facility that provides capabilities for servicing the equipment used to maintain public areas; maintaining community entry and monument lighting; installing or planting and maintaining landscaping within public street rights-of-way or easements within the district; modifying wildfire fuel on publicly owned lands; providing library services; and providing transportation programs, including school busing.

61601.30

(a) Notwithstanding the provisions of Sections 61600 and 61601 and subject to subdivisions (b), (c), and (d), whenever the Board of Directors of the Wallace Community Services District determines by resolution that it is feasible, economically sound, and in the public interest for the district to exercise its power for the purpose of maintaining, controlling, or operating works or facilities within the district for supplying the district and its inhabitants with liquefied petroleum gas, the board shall adopt the additional purpose by resolution entered in the minutes and that power of the district may be exercised thereafter: The board may thereafter divest the district of the power to carry on those activities in the same manner as it may acquire that power.

(b) Except as provided in subdivision (c), regarding any privately owned works or facilities, the district shall not maintain, control, or operate any of the works or facilities for the storage, transmission, and delivery of the liquefied petroleum gas, except by either (1) mutual agreement between the district or the district's predecessor in interest and the owner of the works or facilities, or (2) by order of a court of competent jurisdiction based upon a failure of the owner of the works or facilities to perform its obligations under a mutual agreement between the district or the district's predecessor in interest and the owner of the works or facilities; provided, however, that the authority provided by this subdivision shall only be exercised where it is necessary to ensure the continued provision of liquefied petroleum gas to the residents of Wallace Lake Estates.

(c) Notwithstanding the provisions of Sections 61600 and 61601, the Wallace Community Services District shall have the authority to acquire, own, maintain, control, or operate the underground gas distribution pipeline system located and to be located within Wallace Lake Estates for the purpose of allowing a privately owned provider of liquefied petroleum gas to use the underground gas distribution pipeline system pursuant to a mutual agreement between the private provider of liquefied petroleum gas and the district or the district's predecessor in interest. The district shall require and receive payment from the private provider of liquefied petroleum gas for the use of the works or facilities, including the underground gas distribution pipeline system.

(d) The authority granted by this section shall expire when the Pacific Gas and Electric Company is ready, willing, and able to provide natural gas service to the residents of Wallace Lake Estates, and at that time, the district shall diligently transfer any and all of its title, ownership, maintenance, control, and operation of the underground gas distribution pipeline system to the Pacific Gas and Electric Company.

61602: The district may divest itself of any power provided in Section 61600 in the same manner as it may acquire such a power pursuant to Section 61601.

61605: The provisions of this chapter shall apply only to the McCloud Community Services District.

61606: Notwithstanding Sections 61600 and 61601, the district may construct, maintain, and operate one or more plants, which plants are constructed after January 1, 1982, for the generation of hydroelectric power. The plant or plants so constructed shall be operated in a manner consistent with the district's storage, transmission, and distribution of irrigation and domestic water. Construction of the plant or plants may be financed by the issuance of revenue bonds as otherwise provided in this division.

61607: The hydroelectric plant or plants constructed pursuant to Section 61606 may be leased for operation to, or the power generated may be sold only to, a public utility or public agency engaged in the distribution, use, or sale of electricity.

61610: A district may acquire real or personal property of every kind within or without the district by grant, purchase, gift, devise, lease, or eminent domain. The district, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location.

61611: A district may hold, use, enjoy, lease or dispose of any of its property.

61612: A district may sue and be sued in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

61612.5: The district may enter upon the private property of any person within the jurisdiction of the district in order to investigate possible violations of an ordinance of the district that has been adopted in order for the district to carry out only the purposes specified in subdivision (a) or (b) of Section 61600: The investigation shall be made with the consent of the owner or tenant of the property or, if consent is refused, with a warrant duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure, except that, notwithstanding Section 1822.52 of the Code of Civil Procedure, the warrant shall be issued only upon probable cause.

61613: A district may borrow money and incur or assume indebtedness and it may issue bonds or other evidences of such indebtedness; provided, however, that no district shall incur any funded indebtedness, except bonds issued pursuant to Section 61613.1, which shall in the aggregate exceed 20 percent of the assessed valuation of all real and personal property situated within the district: The limitation of this section applies only to indebtedness which is to be paid by an ad valorem tax on real property.

61613.1: Notwithstanding any other provision of this division, a district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of this code and general obligation bonds pursuant to Chapter 4 (commencing with Section 61650), Part 5, Division 2, Title 6 of this code if the payment of the principal thereof and the interest thereon is additionally secured by a pledge of all or any part of the revenues of the enterprise as provided in Article 4 (commencing with Section 53500), Chapter 3, Part 1, Division 2, Title 5 of this code: Notwithstanding any other provision of law, such bonds may bear interest at a rate to be determined by the board in its discretion, but not to exceed 10 percent per year: Such bonds shall be issued to provide funds for the acquisition, construction, improving or financing any one or more revenue producing enterprises for any one or more of the purposes specified in Section 61600 for which such district has been formed or which it shall have adopted pursuant to Section 61601. "Enterprise," as used in this section, means a revenue-producing utility authorized by subdivision (a), (b), or (c) of Section 61600, system, plant, works, or undertaking used for or useful in carrying out any one or more of the utility services specified in subdivision (a), (b), or (c) of Section 61600: Bonds issued and sold pursuant to this section shall not constitute "funded indebtedness" of the district, as that term is used in Section 61613 and the limitations of Section 61613, shall not apply to bonds issued pursuant to this section: In connection with the authorization, issue and sale of bonds pursuant to this section and so long as any of such bonds shall remain outstanding, a district may exercise, in addition to the powers conferred by this section, any or all of the powers of local agencies provided for in Article 4 (commencing with Section 53500) of Chapter 3 and Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5.

61613.2: Notwithstanding any other provision, the Hamilton Branch Community Services District may borrow money to be used for the payment of current expenses, capital expenditures, and the discharge of any obligation or indebtedness of a district in a total amount which does not exceed 85 percent of the anticipated revenues to be received by the district during the 4-year period of the special tax measure approved by two-thirds of the qualified electors of the district in a special election held for that purpose on March 8, 1983: The note or notes issued by the district pursuant to a resolution adopted by the board of directors of the district authorizing the issuance thereof shall be made payable not later

than the last day of the fourth consecutive fiscal year in which taxes are collected by the district pursuant to the terms of the special tax measure: The note or notes may bear interest not to exceed 10 percent per annum payable as provided therein: The interest may be represented by coupons attached to the note: The total amount of the interest to be paid shall not be included in the calculation of 85 percent of the anticipated tax revenues during the four-year period.

#### 61613.2

(a) Notwithstanding any other provision of this division, the Mountain House Community Services District may authorize, issue, and sell revenue bonds for any authorized capital facility of the district, if the board has submitted to the voters of the district, at a special election called by a resolution of the board, a proposition as to whether the district may authorize and sell revenue bonds for an amount determined to be required for the capital facilities necessary to serve the Mountain House Community, and a majority of the voters of the district voting on the proposition at the election vote in favor of the proposition: Notwithstanding any other provision of law, the board may issue all or any portion of bonds authorized pursuant to this section at a time or times determined by the board: If the proposition fails to carry at the election, the proposition shall not again be voted upon until at least six months have elapsed since the date of the last election at which the proposition was submitted: The resolution calling the election shall fix the date on which the election is to be held, the proposition to be submitted, the manner of holding the election and of voting for or against the proposition, and shall state that in all other particulars, the election shall be held and the votes canvassed as provided by law for the holding of elections within the district: The election may be held separately or may be consolidated with any other election authorized by law at which the voters of the district may vote: The resolution calling the election shall be published and no other notice of the election need be given.

(b) The charges to pay revenue bonds and interest thereon may include standby charges and may be made payable in advance before service is provided to the land: All revenue bond redemption and interest charges are a first lien on all revenues received for the services provided, unless the district limits the charge and lien to a part of the revenues of the district or to a fixed portion of all revenue from the services: The collection of charges to pay revenue bonds and interest thereon shall be continued each year until all revenue bonds, together with interest thereon, are fully redeemed and paid.

61613.3: The Mountain House Community Services District may authorize, issue, and sell general obligation bonds pursuant to Section 61613.1 once the board of directors has been converted to a registered voter board.

61613.4: The Mountain House Community Services District may borrow money in anticipation of the sale of authorized bonds of the district pursuant to and in the manner provided by Section 36408.7 of the Water Code.

61613.5: The Mountain House Community Services District may sell general obligation bonds and revenue bonds at a private sale without first advertising for bids, only if the board of directors of the district determines by resolution that to do so would produce a lower interest cost on the bonds: The San Joaquin County Treasurer shall conduct the negotiated sale of the bonds on behalf of the district, and any expenses incurred by the county treasurer shall be paid by the district.

61614: A district may refund or retire any indebtedness that may exist against or be assumed by the district.

61615: A district may levy and cause to be collected, taxes for the purpose of carrying on the operations and paying the obligations of the district.

61615.1: A district may impose a special tax pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5: The special taxes shall be applied uniformly to all taxpayers or all real property within the district, except that unimproved property may be taxed at a lower rate than improved property.

61615.5: Any district, which is authorized to abate graffiti and located in whole or in part within a city, county, or city and county, which levies a graffiti prevention tax pursuant to Chapter 3 (commencing with Section 7287) of Part 1.7 of Division 2 of the Revenue and Taxation Code, may contract with that city, county, or city and county for purposes of collecting and transferring to the district graffiti prevention taxes collected within the boundaries of the district.

61616: A district may make contracts for any and all purposes necessary or convenient for the full exercise of its powers.

61617: A district has perpetual succession.

61618: A district may adopt a seal and alter it at pleasure.

61619: A district may employ labor and professional services.

61620.1: The County of San Joaquin shall maintain a labor compliance program pursuant to Section 1771.5 of the Labor Code for all work within the Mountain House Community Services District.

61621: A district may prescribe, revise and collect rates or other charges for the services and facilities furnished by it, and may pledge, place a charge upon, contribute or otherwise make available, as security or additional security for the payment of any revenue bonds issued by the district pursuant to Section 61613.1 any and all revenues received or receivable from any services or facilities furnished by it, including the services or facilities of any enterprise as said term is defined in Section 61613.1. A district may provide that charges for any services or facilities shall be collected together with and not separately from the charges for other revenues or facilities rendered by it, and that all charges shall be billed upon the same bill and collected as one item. If all or part of a bill is not paid, the district may discontinue any or all services or facilities for which the bill is rendered. A district may provide for the collection of charges: Remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as the local agency determines. A district may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty: It may provide for collection of the penalties herein provided for. In case any charges for water or other services, or either, remain unpaid the amount of the unpaid charges may in the discretion of the district be secured at any time by filing for record in the office of the county recorder of any county, a certificate specifying the amount of such charges and the name and address of the person liable therefor. From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by him: The lien has the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged: The lien may, within 10 years from the filing of the certificate or within 10 years from the date of the last

extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

61621.2: A district may elect to have any, or all, rates or charges for any purposes, or any delinquencies in those rates or charges, collected on the tax roll in any forthcoming fiscal year in the same manner, by the same persons, and at the time as, together with and not separately from, its general taxes in the manner prescribed in Sections 61765.2 to 61765.6, inclusive: In that event, the district shall cause a written report to be prepared and filed by the secretary, which report shall contain a description of each parcel of real property and the amount of the rates or charges for any purposes, or the amount of any delinquencies in any of those rates or charges, for each parcel for the year.

61621.3: In lieu of the collection procedures for rates, charges, and delinquencies provided in Sections 61621 and 61621.2, a district may record, in the office of the county recorder of the county in which such real property is located, a certificate specifying the amount, interest and penalty due, the name and last known address of the person liable therefor, and that such charges remain delinquent for a period of 60 days: From the time of recordation of the certificate, the amount required to be paid for rates, charges, and delinquencies together with interest and penalty thereon, constitutes a lien upon all real property of the delinquent property owner in the county: The lien created by recording the certificate shall have the force, effect, and priority of a judgment lien and shall continue for three years from the time of recording unless sooner released or otherwise discharged. The district shall include a statement on its bill to each delinquent property owner of any lien for rates, charges, and delinquencies created pursuant to this section.

61621.4: A district which elects to have any, or all, rates or charges for any purposes, or any delinquencies in those rates or charges, collected on the tax roll pursuant to the provisions of Section 61621.2, or to establish a lien for service charges pursuant to the provisions of Section 61621.3, shall reimburse the county for the expenses the county may reasonably incur as a result of the obligations created pursuant to those sections.

#### 61621.5

(a) Except as otherwise provided in this section, a district may by ordinance adopt regulations binding upon all persons to govern the construction and use of its facilities and property, including regulations imposing reasonable charges for the use thereof: Violation of any regulation relating to the construction and use of sanitation facilities or of roads is a misdemeanor.

(b) A district may by ordinance adopt regulations binding upon all persons to govern the use of its park and recreational facilities and property, including regulations imposing reasonable charges for the use thereof: Violation of any regulation relating to the use of park and recreational facilities is a misdemeanor.

(c) A district granted consent of the governing body of the county or city to exercise the powers provided in subdivision (j) or (k) of Section 61600 shall have the powers, duties, and authority of a county road commissioner granted under Article 2 (commencing with Section 1460) of Chapter 5.5 of Division 2 of the Streets and Highways Code to issue written permits to do the acts permitted by Section 1460 of the Streets and Highways Code in and on the streets accepted for maintenance by the district in accordance with the applicable provisions of the chapter: Any person who does any of the



acts specified in Section 1460 of the Streets and Highways Code without the authority of a written permit from the district is guilty of a misdemeanor and is liable to the district for all expenses and damages caused thereby.

61621.6

(a) The Big Bear City Community Services District may, by ordinance, require, as a water conservation measure, the installation of water meters and may collect from the owners of the lots and parcels of land where the meters are installed the costs of the meters and their installation: The costs shall constitute charges for services and facilities furnished by the district pursuant to Section 61621: The costs may be collected by the district on regular periodic statements for water service or may be collected on the tax statements of owners of the lots and parcels of land where the meters are installed over a repayment period of not less than 10 years.

(b) Prior to installing the meters and adding the costs thereof to regular statements for water service or collecting those costs on tax statements, the board of directors of the district shall fix the time and place of a hearing on the installation of the meters and the collection of the costs thereof on water service or tax statements, and shall give notice of the time and place of the hearing to the owners of the lots or parcels of land affected which shall contain all of the following:

(1) A description of the lots and parcels of land where meters will be installed, which description may be made by reference to a plat or diagram on file in the office of the secretary of the board of directors, or to maps prepared in accordance with Section 327 of the Revenue and Taxation Code and on file in the office of the county assessor.

(2) The cost of the installation of a meter.

(3) The number of installments and period of time in which the cost of installing meters will be payable.

(4) That costs of installing the meters will be collected in installments on regular periodic statements for water service or on annual tax statements.

(5) That if the costs are collected in installments on the tax statements, they shall constitute a lien against the lots or parcels of land to which they relate to the same extent as the lien of general property taxes.

(6) The time and place at which the board of directors will hold a hearing at which persons may appear and present any objections they may have to the installation of the meters and the collection of the costs thereof in installments on regular periodic statements for water service or on tax statements.

(c) The notice shall be published pursuant to Section 6066 prior to the date set for the hearing: At least 10 days prior to the date of the hearing, written notice containing the information prescribed in subdivision (b) shall be mailed to all persons owning lots and parcels where meters will be installed whose names and addresses appear on the last equalized county assessments roll.

(d) At the time stated in the notice, the board of directors shall hear and consider all objections or protests, if any, to the installation of meters and the collection of the costs thereof and may continue the hearing from time to time: Upon conclusion of the hearing, the board of directors shall determine,

by resolution, whether to proceed with the installation of meters and the collection of the costs thereof in installments on regular statements for water service or annual tax statements.

61621.7

(a) The Big Bear City Community Services District may, as a condition to the issuance of building permits, by ordinance, require, as a water conservation measure, installation of low-flush toilets and low-flow shower heads in all newly constructed buildings or additions to existing buildings which will add plumbing fixtures to those buildings: The low-flush toilets shall have a tank capacity of not more than one and one-half gallons, and low-flow shower heads shall have a rate of flow of not more than two and one-half gallons per minute: Upon adopting an ordinance requiring installation of these water conserving fixtures, the district shall transmit a certified copy thereof to the building department and the clerk of the Board of Supervisors of the County of San Bernardino, and the county shall implement the district's ordinance by requiring the installation of the water conserving fixtures.

(b) The district may also expend its funds to install the water conserving fixtures in existing residences upon obtaining the consent of the owners.

61621.8

(a) This section shall apply only to the Bear Valley Community Services District, the Bell Canyon Community Services District, the Wallace Community Services District, the Lake Sherwood Community Services District, and the Saddle Creek Community Services District, and subdivisions (b) and (d) to the Cameron Estates Community Services District.

(b) Notwithstanding any other provision of law, in the case of roads which a district owns and which are not formally dedicated to or kept open for use by the public for the purpose of vehicular travel, the district may by ordinance adopt regulations which limit access to and the use of those roads to landowners and residents of the district.

(c) Notwithstanding any other provision of law, a district, other than the Cameron Estates Community Services District, may by ordinance adopt regulations that limit access to or the use of its park and recreational facilities and property to landowners and residents of the district.

(d) The Cameron Estates Community Services District may accept special district augmentation funds from the county but may not expend them for construction, maintenance, or improvement of roads on which the district has limited access to landowners and residents of the district.

(e) Violation of any regulation adopted pursuant to this section is a misdemeanor.

61621.10: Notwithstanding Section 61621, the Mountain House Community Services District may, by resolution, add any delinquent rate or charge, and any penalties and interest thereon, to any monthly charges levied and collected by the district against the parcel of land to which they relate.

61622: Each district has the power generally to perform all acts necessary to carry out fully the provisions of this division.

61623: A district having power to own or operate a water system may contract with any person or private corporation of any kind or with any city, county, district, municipal corporation, political

subdivision, public corporation, or other public agency of the state, or with the United States or any department, instrumentality, or agency thereof, to purchase or acquire from, or to sell to, or jointly to acquire, construct, operate, or maintain a water system or water supply to serve their inhabitants.

Notwithstanding any other provisions of law, a district may incur a long-term debt obligation without the necessity of obtaining voter approval, by entering into a loan assumption agreement whereby it agrees to assume the obligation of the users or owners of the water system or water supply to make loan payments to the United States or any department, instrumentality, or agency thereof, in exchange for or as part of the purchase price of that water system or water supply.

61623.1: Notwithstanding any other provision of law, the Clear Creek Community Services District may construct, maintain, and operate plants for the generation of hydroelectric power and transmission lines for the conveyance thereof in accordance with the provisions of Chapter 2.95 (commencing with Section 35580) of Part 5 of Division 13 of the Water Code.

61623.4: A district may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code if the petition for formation of the district included fire protection among the designated purposes for which it was formed, or if the district adopts fire protection as an additional purpose of the district pursuant to Section 61601. If the district includes any part of a city, fire protection district, or other local agency which provides fire protection service to any territory in the district, the district shall have no authority pursuant to this section regarding the prevention and suppression of fires in such territories, unless such district has obtained the consent of such city, fire protection district, or other local agency.

61623.5: In any district authorized to provide fire protection services, the district board may clear or order the clearing of land or remove or order the removal of dry grass, stubble, brush, rubbish, litter, or other flammable material, if, in its judgment, the flammable material endangers the public safety by creating a fire hazard. The provisions of Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code are made applicable to the community service districts which perform fire control or protection service and are organized and existing pursuant to this chapter, including, but not limited to, the provisions with respect to the assessment of property owners for the expense of abatement, and the procedure set forth therein shall apply to dry grass, stubble, brush, rubbish, litter or other flammable material which endangers the public safety by creating a fire hazard. In the application of the provisions of Part 5 (commencing with Section 14875), Division 12 of the Health and Safety Code, to proceedings under this chapter, the terms "board of supervisors," or "board" when used in said Part 5, shall mean the district board acting under this chapter; and the officers designated in Section 14890, of said Part 5, shall mean the employees of the community services district designated by the district board.

61624: A district may contract with the State or with the United States for any and all purposes necessary or convenient to the exercise of any of the powers, duties or functions of the district.

61625: A district may construct any works along, under, or across any street, road, highway, or other property devoted to a public use subject to consent of the governing body in charge of the public use.

61626: A district may enter into an agreement with any public or private corporation whereby any work or improvement may be operated and maintained by the corporation: The authority to enter into an agreement is conditioned upon a finding by the board that the residents of the district would be

better served by that operation and maintenance.

61626.6: Whenever a district formed under this division acquires a private utility engaged in furnishing services to consumers, or any existing improvement or facility used for such purposes, it shall assume the obligation of the private utility to serve such consumers and their successors in interest both inside and outside the boundaries of the district.

61626.7: Where the boundaries of the district include any territory which is also included within the boundaries of an incorporated city, and where the services regularly provided by the district duplicate services regularly provided by the city, the district by a resolution adopted by a majority vote of the governing board may provide the following:

(1) That the district shall refrain from providing, within such incorporated territory, enumerated services which duplicate services provided by the city.

(2) That the district shall establish a special tax zone including such incorporated territory, and will levy therein a lower tax rate than is levied within the remainder of the district, to reflect the provision of fewer services by the district within such incorporated territory.

61628: All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

61632: The district may employ counsel to defend any action or proceeding brought against it on account of any injury, taking, damage, or destruction, or to defend as provided in Part 7 (commencing with Section 995) of Division 3.6 of Title 1 of the Government Code an action or proceeding brought against any of its officers, agents or employees, and the fees and expenses, including the cost of any bonds and undertakings, involved therein are a lawful charge against the district.

61650: Whenever the board deems it necessary for the district to incur a bonded indebtedness, it shall by resolution set forth all of the following:

(a) A declaration of the necessity for the indebtedness.

(b) The purpose for which the proposed debt is to be incurred.

(c) The amount of the proposed debt.

(d) The time and place for a hearing by the board on the questions:

(1) Will the whole or a portion of the district be benefited by the accomplishment of the purpose?

(2) If only a portion of the district will be benefited, what portion will be so benefited?

61651: Notice of the hearing shall be given by publication of a copy of the resolution pursuant to Section 6066 in a newspaper of general circulation circulated within the district.

61652: The copy of the resolution published or posted shall be accompanied by a notice subscribed by the secretary that:

(a) The hearing referred to in the resolution will be had at the time and place specified in the resolution.

(b) At that time and place any person interested, including all persons owning property in the district, will be heard upon the questions stated in the resolution.

61653: At the time and place fixed for the hearing on the resolution declaring the necessity for incurring the bonded indebtedness, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing.

61654: At the hearing any person interested, including persons owning property within the district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness.

61655: At the conclusion of the hearing, the board shall by resolution determine whether the whole or part of the district will be benefited by the accomplishment of the purpose stated in the resolution.

61656: If the board determines that the whole of the district will not be benefited, the resolution shall also describe the portion of the district which will be benefited, in a manner sufficient for identification, which portion of the district described in the resolution shall thereupon constitute and be known as "Improvement District No. \_\_\_\_ of \_\_\_\_ District."

61657: After the formation of an improvement district within a district pursuant to this article, all proceedings for the purpose of a bond election within the improvement district and for the purpose of taxation for the payment of the bonds and interest shall be limited, and apply only to the improvement district.

61658: The determination of the board that the whole of the district will be benefited by the bond issue or that only a described portion of the district will be benefited by the bond issue is final and conclusive.

61659: After the board has made its determination pursuant to Section 61655, if it deems it necessary to incur the bonded indebtedness, it shall by resolution state:

(a) That it deems it necessary to incur the bonded indebtedness.

(b) The purpose for which the bonded indebtedness will be incurred.

(c) Either of the following in accordance with its previous determination:

(1) That the whole of the district will be benefited by incurring the bonded indebtedness.

(2) That a portion of the district will be benefited by incurring the bonded indebtedness, which portion shall be described as it is described in the resolution of the board made pursuant to Section 61655.

(d) The amount of debt to be incurred.

(e) The maximum term the bonds to be issued shall run before maturity, which term shall not exceed 40 years.

(f) The annual rate of interest to be paid, which rate shall not exceed 10 percent, payable annually or semiannually, or in part annually and in part semiannually.

(g) The proposition to be submitted to the voters.

(h) The date of the special district election (which may be consolidated with a general district election) at which such proposition shall be submitted to the voters; the hours between which the polls shall be open; the boundaries of voting precincts within the district or portion thereof benefited by incurring the bonded indebtedness; the location of polling places; and the names of the officers selected to conduct such election in each precinct, who shall consist of one judge, one inspector, and two clerks.

61659.1: In determining the amount of debt to be incurred, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

61660: The resolution provided for in Section 61659 shall constitute the notice of such special bond election and such resolution shall be published pursuant to Section 6066 in a newspaper of general circulation circulating within the district.

61661: The board shall provide for holding the election in the same manner as provided by law in respect to district elections so far as applicable, except as otherwise provided in this chapter.

61663: Every elector residing within the area designated in the resolution adopted pursuant to Section 61659, but no others, may vote on the proposition to authorize the bonds: If the area does not include the entire district a separate ballot shall be prepared for the vote upon such proposition and only the voters entitled thereto shall be given such ballots.

61670: Notwithstanding any other provision of this division, a majority vote shall be sufficient to authorize the issuance of revenue bonds, and a two-thirds vote shall be required only for the issuance of general obligation bonds.

61670.1: Notwithstanding any other provision of law, any bonds issued pursuant to this division may bear interest as determined by the board in its discretion, but not to exceed 10 percent per year.

61671: If more than two-thirds of the votes cast at the election are in favor of incurring the indebtedness, the board may, by resolution, at the time or times it deems proper, provide for the following:

(a) The form of the bonds.

(b) The execution of the bonds.

(c) The issuance of any part of the bonds.

61671.1: The bonds shall be signed by the president and countersigned by the secretary and the coupons shall be signed by the secretary: All signatures except that of the secretary on the bonds may be printed, lithographed or engraved: If any officer whose signature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office: All bonds shall be payable at the office of the county treasurer, who is the depository of the district pursuant to Section 61730.

61671.2: An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

61672: The district may sell the bonds so issued at the times or in the manner the board deems to be to the public interest; provided, that all bonds shall be sold on sealed proposals to the highest bidder after advertising for bids by publication of notice of sale pursuant to Section 6061, not less than 10 days prior to the date of sale, in a newspaper of general circulation circulating in the district: If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder: If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

61673: Any bonds issued by any district organized under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the state. All bonds issued by any district payable from taxes are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state. Whenever the board of directors of a district declares by resolution that it deems it desirable that any bonds issued or to be issued by the district should be certified by the State Treasurer as provided in this section, the board of directors shall file a certified copy of the resolution with the State Treasurer and the bonds described in said resolution shall then be subject to investigation and certification by the State Treasurer pursuant to the Districts Securities Law (Chapter 1 (commencing with Section 20000), Division 10, Water Code): If in the opinion of the State Treasurer the bonds are adequately secured and the revenues and other funds applicable to the payment of the bonds are, or upon the acquisition, construction or improvement of the enterprise for which such bonds were or are to be issued, will be, sufficient to pay the principal of and interest on such bonds the State Treasurer shall certify that such bonds are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds, other than funds of savings banks, which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state.

61674: The board may, by resolution, do the following:

(a) Submit to the voters a measure to issue new bonds to refund any or all of the district bonds outstanding.

(b) Submit to the voters of any improvement district of the district a measure to issue new bonds to refund any improvement district bonds outstanding.

61675: The measure may be voted on at any district election or a special election may be called for the purpose.

61676: The procedure upon the election shall be in accordance, so far as applicable, with the procedure upon an original issue of bonds, except that:

(a) No hearing need be held upon the question whether the bond issue will benefit the entire district or only a portion thereof.

(b) The vote of a majority of the voters voting upon the measure is sufficient to authorize the issue of refunding bonds.

61677: The refunding bonds may be issued and sold in the manner and form prescribed for an original issue of bonds.

61678: Refunding bonds may, if the holders of bonds of an original issue and the board so agree, be exchanged for original bonds.

61679: The face value of refunding bonds exchanged for original bonds shall not exceed the face value of the original bonds.

61680: The board may raise money by rates or taxes to pay principal and interest of the refunding bonds in the same manner as prescribed for payment of bonds of an original issue.

61681: Any bonds issued by the district may be made callable by resolution of the board adopted at or prior to the time of issuing the bonds.

61682: When bonds are made callable, a statement to that effect shall be set forth on the face of the bond.

61683: Callable bonds may be redeemed on any interest payment date prior to their fixed maturity in such amounts and manner and at such prices as the board may prescribe in the resolution provided for in Section 61681.

61684: Notice designating the bonds called for redemption shall be published pursuant to Section 6063 in a newspaper of general circulation circulated in the county in which the office of the district is situated.

61685: The first publication of the redemption notice shall be not less than 30 nor more than 90 days prior to the date fixed for redemption.

61686: If on the date fixed for redemption the district has provided funds available for payment of the principal and interest of the bonds called, interest on them ceases.

61687: None of the provisions of this Chapter 4 shall apply to any proceedings for the authorization, issue or sale of revenue bonds by a district pursuant to Section 61613.1.

61710: Improvement districts may be formed in a district in the same manner as improvement districts are formed in irrigation districts: An improvement district shall have the power to acquire, construct, operate, and maintain only those improvements or facilities necessary or required to carry out the purposes of the district which have been authorized pursuant to Chapter 1 (commencing with Section



61600), of this part.

61711: The board of directors of a district shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement districts in districts as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts.

61712: Assessments in an improvement district in a district shall be levied, collected and enforced at the same time and in as nearly the same manner as practicable as annual taxes for purposes of the district in which formed, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts, and that notice for a new or increased assessment shall be pursuant to Section 54954.6.

61713: As an alternative to levying an assessment in an improvement district as provided in Section 61712, the district board may levy an ad valorem tax within the improvement district pursuant to the provisions of Part 6 (commencing with Section 61750), Division 3, Title 6.

61715: Whenever, in the opinion of the board, the public interest or convenience may require, it may order to be done in, under, or upon the whole or any portion of any one or more of the streets or public places of the district, or any property or rights-of-way owned by the district, any work or improvement which the district is authorized to do and provide that the cost thereof shall be assessed upon the lots and lands fronting on the streets or public places, or upon any district to be assessed therefor, which district need not be composed of lands contiguous to each other: The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 are applicable to districts.

61716: In the application of said acts to proceedings under this section the terms used in said acts shall have the following meanings:

(a) "City council" and "council" mean board.

(b) "City" and "municipality" mean district.

(c) "Clerk" and "city clerk" mean secretary.

(d) "Superintendent of streets" and "street superintendent" and "city engineer" mean the general manager of the district or any other person appointed to perform such duties.

(e) "Tax collector" means county tax collector.

(f) "Treasurer" and "city treasurer" mean the county treasurer who is the depository of the district pursuant to Section 61730.

(g) "Right of way" means any parcel of land through which a right of way has been granted to the district for the purpose of constructing or maintaining or work or improvements which the district is authorized to do.

61717: The powers and duties conferred by said acts upon boards, officers and agents of cities shall be exercised by the board, officers and agents of the district, respectively.

61718: The improvements authorized to be constructed or acquired by this chapter are restricted to those permitted to be constructed or acquired pursuant to Section 61600.

61720.1: Territory within a district may be annexed to an improvement district whether or not contiguous thereto, provided that such territory is not part of an improvement district constituted for a similar purpose.

61720.2: Except as provided in Section 61722, to commence the procedure for annexation to an improvement district, the board shall adopt a resolution initiating proceedings for an annexation, which resolution shall:

- (a) Set forth a description of the exterior boundaries of the territory proposed to be annexed;
- (b) State whether the territory proposed to be annexed is inhabited, in that there reside within the territory 12 or more persons who have been registered to vote within such territory for at least 54 days prior to the date of adoption of the resolution, or uninhabited, in that there reside within the territory less than 12 persons who have been registered to vote within such territory for at least 54 days prior to the date of adoption of the resolution;
- (c) State the reason or reasons for the proposed annexation;
- (d) Set forth any terms or conditions of the proposed annexation;
- (e) Fix a time, date, and place of hearing on the proposed annexation, which hearing shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings; and
- (f) State that any interested person desiring to make written protest against the annexation shall do so by written communication filed with the secretary not later than the hour set for the hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by him; a written protest by a voter shall contain the residential address of the voter.

61720.3: The secretary shall give notice of any such hearing by:

- (a) Publication of the resolution initiating proceedings for annexation once in a newspaper of general circulation within the improvement district;
- (b) Posting of the resolution initiating proceedings for annexation on or near the doors of the meeting place of the board or on any official bulletin board customarily used for the purpose of posting of public notices; and
- (c) Mailing of the resolution initiating proceedings for annexation to all landowners owning land within the territory proposed to be annexed as shown upon the last equalized assessment roll of the county, at the address shown upon such assessment roll, and to all persons and counties, cities, or districts, which shall have theretofore filed a written request for special notice with the secretary.

61720.4: Publication, posting, and mailing required by Section 61720.3 shall be completed at least 15 days prior to the date set for hearing: Mailed notice shall be sent by first-class mail and deposited,

postage prepaid, in the United States mails and shall be deemed to have been given when so deposited.

61720.5: The hearing on the proposed annexation shall be held by the board upon the date and time specified in the resolution initiating proceedings for such annexation: The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

61720.6: At such hearing the board shall hear and receive any oral or written protests, objections, or evidence which shall be made, presented, or filed: Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

61720.7: Factors to be considered by the board in a proposed annexation shall include:

(a) Whether the proposed annexation will be for the interest of landowners and present or future inhabitants within the improvement district and within the territory proposed to be annexed to said improvement district;

(b) Any other matters which the board deems material: Except as hereinafter provided, the board shall not be required to make any express recitals or findings concerning any of the factors considered by it.

61720.8: In any proceedings for the annexation of territory to any improvement district, the board shall have the power and duty to exclude any lands proposed to be annexed which it finds will not be benefited by becoming a part of such improvement district. For the purpose of completing any such proceedings, including the findings provided for by Sections 61720.9 and 61721, any land so excluded shall no longer be considered a part of the territory proposed to be annexed.

61720.9: A majority protest shall be deemed to exist and the proposed annexation shall be abandoned if the board shall find and declare by resolution that written protests filed not later than the hour set for the hearing, and not withdrawn prior to the conclusion of the hearing, represent:

(a) In the case of the annexation of inhabited territory,

(1) More than 50 percent of the assessed value of land therein, or

(2) More than 50 percent of the voting power of voters entitled to vote as a result of residing within such territory; or

(b) In the case of the annexation of uninhabited territory, more than 50 percent of the assessed value of land therein.

61721: A written protest by a resident-voter shall contain his signature and a street and number or designation sufficient to enable the place of residence to be readily ascertained: A protest by a landowner shall contain his signature and a description of the land owned by him sufficient to identify the same: A public agency owning land shall be deemed a landowner for the purpose of making a written protest and determining the existence of a majority protest.

61721.1: The board shall determine the sufficiency of written protests by the methods and the manner as provided in Sections 61721.2 to 61721.6, inclusive.

61721.2: If the protests are signed by resident-voters, the secretary shall compare the names of the

signers on the protests against the voters' register in the office of the county clerk or registrar of voters and ascertain therefrom the number of qualified signers appearing upon the protests.

61721.3: If the protests are signed by landowners, the secretary shall compare the names of the signers on the protests against the names of the persons shown as owners of land on the last equalized assessment roll of the county and ascertain therefrom:

- (a) The total number of landowners owning land within the territory which is the subject of the proposed annexation and the total assessed valuation of all land within such territory.
- (b) The total number of landowners represented by qualified signers and the total assessed valuation of land owned by qualified signers.

61721.4: If a protest is signed by a landowner which is a public agency owning land within the territory which is the subject of the proposed annexation, such public agency shall be deemed a landowner for the purpose of the signing and certification of such protest. Any such public agency may authorize such protest to be signed for and on its behalf by any duly authorized officer or employee.

61721.5: In examining any petition signed by a landowner, the secretary shall disregard the signature of any person not shown as owner on the last equalized assessment roll unless prior to certification the secretary shall be furnished with written evidence, satisfactory to him, that such signer: is a legal representative of the owner; is entitled to be shown as owner of land on the next assessment roll; is a purchaser of land under a recorded written agreement of sale; or is authorized to sign for and on behalf of any public agency owning land.

61721.6: If any person signing a protest as a landowner shall appear as owner on the last equalized assessment roll but be shown thereon as a partner, joint tenant, tenant in common or as husband or wife, the signature of such person shall be counted as if all such owners shown on said roll had signed.

61721.7: In an annexation proceeding, if a majority protest shall not have been filed, the board, not later than 30 days after the conclusion of the hearing, shall adopt a resolution and make one of the following determinations:

- (a) Disapproving the proposed annexation; or
- (b) Ordering the annexation in accordance with Sections 61721.8 to 61722, inclusive.

61721.8: The board may order such territory annexed to the improvement district either without election or subject to confirmation by the voters upon the question of such annexation. However, the board shall not order any such annexation without election unless the board finds:

- (a) In the case of uninhabited territory, that written protests filed and not withdrawn represent less than 25 percent of the number of landowners within such territory, owning not more than 25 percent of the assessed value of land therein, or
- (b) In the case of inhabited territory, that written protests filed and not withdrawn represent:
  - (1) Less than 25 percent of the number of landowners within such territory owning not more than 25 percent of the assessed value of land therein; and

(2) Less than 25 percent of the voting power of voters entitled to vote as a result of residing within such territory.

61721.9: In any resolution ordering an annexation of territory subject to confirmation by the voters, the board may provide for an election or elections to be called, held and conducted upon such question:

(a) Only within the territory ordered to be annexed; or

(b) Both within the territory ordered to be annexed and within all of said improvement district.

61722: If all the owners of land within the territory proposed to be annexed have given their written assent to such annexation, the board may, by resolution, order such an annexation (a) without notice and hearing by the board, (b) without an election, or (c) without notice and hearing by the board and without an election.

61722.1: A resolution ordering an annexation or detachment shall describe the exterior boundaries of the territory annexed and shall contain all terms and conditions imposed upon such annexation.

61722.2: After the canvass of the returns of any election or elections on the question of the annexation, the board shall declare by resolution the total number of votes cast in the election or elections, and the number of votes cast for and against the annexation: The board shall adopt a resolution confirming the order of annexation, if a majority of the votes cast upon such questions are in favor of such annexation:

(a) At an election called only within the territory ordered to be annexed; or

(b) At each election where one election was called within the territory ordered to be annexed and another election within all said improvement district.

61722.3: If the proceedings for annexation are terminated, either by majority protest as provided in Section 61720.9 or by failure of the majority of voters to confirm the order at an election held pursuant to Section 61721.4, then no new proposal for the same or substantially the same plan of annexation may be filed with the board within one year after the date of adoption of the resolution terminating such proceedings.

61722.4: After the adoption of a resolution ordering such annexation, or a resolution confirming an order of annexation following an election thereon, the secretary shall file a certified copy thereof with a map of the territory thus annexed with the county tax collector of each county in which such annexed territory is situated and shall also make such filings as may be required by Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5.

61722.5: Territory annexed to an improvement district shall be subject to existing bond issues and indebtedness of the improvement district from and after the filing with the county tax collector specified in Section 61722.4.

61730: The board shall designate the county treasurer of a county in which the district is situated to be the depository and have the custody of all the district's money.

61731: The county treasurer shall:

(a) Receive and receipt for all the district's money and place it in the county treasury to the credit of the district.

(b) Be responsible upon his official bond for the safekeeping and disbursing of all district money so held by him.

61732: The county treasurer shall pay, when due, out of district money, all sums payable on outstanding bonds and coupons of the district; and the county treasurer shall pay any other sums out of district money, or any portion thereof, only upon warrants of the county auditor.

61733: The county auditor shall draw warrants to pay demands made against the district when the demands have been approved by a majority of the members of the board and the general manager.

61734: The county treasurer shall report in writing on the first day of July, October, January, and March of each year to the board with respect to each of the following:

(a) The amount of money he then holds for the district.

(b) The amount of receipts since his last report.

(c) The amount paid out since his last report: The report shall be verified and filed with the secretary.

61735: The board of supervisors of the county shall determine the charge to be made against the district for any services of either or both of:

(a) The county treasurer as custodian of the district's money.

(b) The county auditor in drawing warrants to pay demands made and approved against the district.

61736: Notwithstanding the provisions of Sections 61730 to 61735, inclusive, the board may, in a resolution relating to the issuance of revenue bonds, designate a trustee, fiscal agent or depository to receive the proceeds of sale of said revenue bonds or all or a part of any revenues received or to be received by the district from any enterprise of the district or from any services or facilities furnished or to be furnished the district, all as set forth in such resolution; and in such event Sections 61730 to 61735, inclusive, shall not apply to said proceeds of sale of said bonds or to said revenues, and the trustee, fiscal agent or depository so designated shall receive, hold and disburse said proceeds of sale of said bonds or said revenues upon such terms and conditions as shall be provided in said resolution, which shall prescribe the duties and powers of such trustee, fiscal agent or depository: Any such trustee, fiscal agent, or depository shall be a bank, savings and loan association, or trust company qualified to do business in the state.

61737.01: The provisions of this chapter are alternative to those provided in Chapter 6 of this part.

61737.02: The board may by resolution designate a bank or a savings and loan association as depository of any or all of its funds: If such depository is not designated for all of its funds, it shall designate what funds are to be deposited with such depository: The county treasurer shall be the depository for all funds not so designated.

61737.03: The charges of any depositary selected shall be a proper expense of the district.

61737.04: The board shall appoint a person who shall be known as finance officer, who shall serve at its pleasure: It shall fix the amount of his compensation: It shall fix the amount of and approve his bond: He may be a member of the board or his office may be consolidated with that of the secretary.

61737.05: Bond principal and interest and salaries shall be paid when due: All other claims and demands shall be approved in writing or in open meeting by a majority of the members of the board and the general manager.

61737.06: Warrants shall be drawn by the finance officer and signed by the president and secretary, or one of them and one member of the board.

61737.07: The finance officer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the district.

61737.08: The finance officer shall make annual or earlier written reports to the board, as it shall determine, as to the receipts and disbursements and balances in the several accounts under his control. The report shall be signed by him and filed with the secretary.

61737.09: Notwithstanding the provisions of Section 61302, a bank or a savings and loan association may act as a depositary, paying agent, or fiscal agent for the holding or handling of district funds, notwithstanding the fact that a member of the board of directors of the district whose funds are on deposit in said bank or savings and loan association is an officer, employee, or stockholder of such bank or savings and loan association, or of a holding company that owns any of the stock of such bank or savings and loan association.

61740: Community service districts may cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation, to the extent that it is consistent with state law, for the purpose of acquiring or constructing water distribution facilities and for the purchase, delivery and distribution of water to the district.

61741: A district may submit any contract or proposed contract to the superior court of the county in which is situated the office of the board to determine the validity thereof in the same manner as provided for the submission of such contracts by irrigation districts in Section 23225 of the Water Code.

61742: A district may borrow money and incur indebtedness as provided in this chapter by action of the board and without the necessity of calling and holding an election in the district.

61742.1: The Mountain House Community Services District may issue and sell warrants based upon, and in anticipation of, the collection of any assessment levied by the district, in the same manner as a reclamation district.

61743: Indebtedness may be incurred pursuant to this chapter for any purpose for which the district is authorized to expend funds, including provisions for payment of current expenses of the district and for the funding or refunding of any outstanding warrants issued for the payment of current expenses.

61744: Indebtedness incurred under this chapter shall be evidenced by notes of the district payable in not to exceed five years from their date and bearing interest at not exceeding 6 percent per annum, payable annually or semiannually.

61745: Such notes shall be issued in the name of the district after the adoption by a two-thirds vote of all of the members of the board on a resolution setting forth the form of the note, the maturity date or dates thereof, and the manner of execution thereof.

61746: The board may, in its resolution authorizing the issuance of notes, provide that the note shall be subject to call and redemption prior to maturity, at the option of the district, at such price or prices as may be fixed in the resolution, not exceeding a premium of 6 percent of the par value of the note so subject to redemption: The resolution shall fix the method of giving notice of redemption to the holders of notes to be redeemed and the price or prices at which the note shall be subject to redemption: Notes so subject to call and redemption prior to maturity shall contain a recital to that effect on their face, and no note shall be subject to call or redemption prior to its fixed maturity date unless it contains such recital.

61747: Notes issued under this chapter shall be offered for public sale upon notice inviting sealed bids therefor: Such notice shall be given by publication pursuant to Section 6061 in a newspaper of general circulation printed and published in the district or if such a newspaper is not printed and published in the district, by posting in three public places in the district, and the sale shall not be held before 10 days after such publication or posting: The board may reject all bids received on public sale and either readvertise or sell the notes at private sale, but no sale at private sale shall be made for less than the par value of the note and accrued interest thereon.

61748. Notes issued under this chapter shall constitute general obligations of the district for the payment of both principal and interest of which all property in the district subject to taxation by the district shall be taxed without limitation of rate or amount. It shall be the duty of the board at the time and in the manner provided in Part 6 of this division for levying annual taxes to fix an ad valorem rate of tax sufficient to pay the principal of and interest on all notes as the same become due: Such ad valorem taxes shall be in addition to all other taxes in this division provided for, shall not be subject to the limitation provided in Section 61755.5, and when collected shall be used for no purpose other than the payment of said notes and the interest thereon.

61749: Notes shall not be issued under this chapter by any district in any one fiscal year in excess of an amount equal to 1 percent of the assessed valuation of the taxable property in the district, or if such assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate.

## **PART 6. TAXES**

61750: If from any cause the revenues of the district shall be inadequate to pay the principal or interest on any bonded debt as it becomes due, the board must, or if funds are needed to carry out the objects and purposes of the district, which cannot be provided for out of the revenues of the district, then the board may levy a tax for such purposes as herein provided.

61751: The board shall state the purposes for which such taxes are necessary, and must fix, by ordinance, the amount of money necessary to be so raised by taxation: If the amount to be raised at any one time by taxation for a purpose other than interest or sinking fund payments exceeds the sum of



fifty thousand dollars (\$50,000), such ordinance shall not go into effect before 30 days from its final passage.

61752: The board of directors shall avail itself of the equalized assessment rolls of the counties in which the district is situated, and take such assessments as the basis for district taxations: In the event the district has been organized for the sole purpose of supplying water for irrigation purposes, then the taxes levied by the district shall be upon the land only, disregarding improvements and personal property.

61753: All taxes shall be collected by the tax collectors of the counties in which the district is situated.

61754: On or about the third Monday in August of each year, the county auditor of the county in which the district is situated shall transmit to the board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the equalized assessment rolls of the respective county or counties.

61755: The board shall, before September 1st, fix the rate of taxes, designating the number of cents upon each hundred dollars of assessed valuation, which rate of taxation shall be sufficient to raise the amount previously fixed by the board, as hereinabove prescribed; which acts by the board are a valid assessment of such property and a valid levy of such taxes so fixed: The board shall immediately thereafter transmit to the county auditors a statement of such rate so fixed by the board.

61755.5: Unless a majority of the electors voting at an election held for that purpose are in favor of it, the annual property tax rate shall not exceed one dollar (\$1) per one hundred dollars (\$100) of assessed valuation of all taxable property within the district. This section does not prevent a community service district having a validly contracted general obligation bonded indebtedness from levying and collecting taxes for the payment of such indebtedness and the interest thereon, in addition to the taxes authorized to be levied and collected pursuant to this section.

61756: Any district taxes required to be levied to pay the interest on or principal of any bonded indebtedness incurred by the district for the benefit of less than the whole of the district shall be levied on and shall be a lien upon only the property benefited by the bonded debt as stated in the resolution of the board declaring the necessity to incur the debt: Where any district taxes are to be levied upon less than the whole district the board shall furnish the State Board of Equalization and said county assessors with a description of the property upon which such taxes are to be levied and the county assessors shall include in the statement furnished pursuant to Section 61754 the total value of all property so described.

61757: The county auditors shall compute and enter in the assessment roll or assessment rolls, the district tax on the property therein enumerated and assessed as being in the district, using the rate or rates of levy so fixed by the board and the assessed value as found in such assessment rolls.

61758: Such taxes so levied shall be collected at the same time and in the same manner as county taxes; and when collected the net amount, as ascertained as hereinafter provided, shall be paid to the county treasurer who is the depository of the district pursuant to Section 61730, under the general requirements and penalties provided by law for the settlement of other taxes.

61759: All taxes levied under the provisions of this law shall be a lien on the property on which they are levied; and the enforcement of the collection of such taxes may be had in the same manner and by the same means as is provided by law for the enforcement of liens for state and county taxes, all the

provisions of law relating to the enforcement of the latter being hereby made a part of this law, so far as applicable.

61760: Whenever any real property situate in any district has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned and paid by the county treasurers receiving the same to such district, in the proportion which the tax due to such district bears to the total tax for which such property was sold.

61761: Each county auditor, assessor, and tax collector affected by the provisions of this act shall annually file with the board of supervisors of his county itemized statements showing the additional expense to his office caused by the performance of the duties imposed upon him or his office under the provisions of this act, and upon the filing of such statements the board of supervisors shall, by an order spread upon its minutes, deduct such expenses from the tax money of the district in the amount determined by agreement between the district and the board of supervisors, while in the hands of the tax collector, and transfer the amount deducted into the county salary fund; provided, that not more than one-half of 1 per centum on the amount collected shall be so charged or deducted by any county. The boards of supervisors of such counties may provide such extra help for their county offices or officers as in their judgment may be necessary for the proper performance of their duties hereunder.

61764: The ordinance or resolution fixing the standby charge as provided by Section 61765 of this code shall be adopted only after adoption of a resolution setting forth the particular schedule, or schedules of charges proposed to be established and after notice and hearing in the manner prescribed by Section 54354.5 of the Government Code.

#### 61765

(a) A district may fix, on or before the first day of August in each calendar year, a water or sewer standby or availability charge for either water or sewers not to exceed ten dollars (\$10) per year for each acre of land, or ten dollars (\$10) per year for each parcel of land of less than an acre within the district to which water or sewers are made available for any purpose by the district, whether the water or sewers are actually used or not.

(b) The board of directors of a district which fixes the charge may establish schedules varying the charges depending upon factors such as the uses to which the land is put, the cost of transporting the water to the land, the cost of transporting the sewage from the land, the amount of water used by the land, and the amount of sewage discharged from the land: The board may restrict charges to lands lying within one or more improvement districts or zones within the community service district.

(c) Notwithstanding subdivision (a) or (b), a district may use the Uniform Standby Charge Procedures Act (Chapter 12.4 (commencing with Section 54985) of Part 1 of Division 2 of Title 5) to fix and levy standby and availability charges for water, sewer, or water and sewer services.

61765.1: A district may elect to have such assessments for the fiscal year collected on the tax roll in the same manner, by the same persons and at the same time as, together with and not separately from, its general taxes: In such event, it shall cause a written report to be prepared and filed with the secretary which report shall contain a description of each parcel of real property and the amount of the assessment for each parcel for the year.

61765.2: The secretary shall cause notice of the filing of the report and of a time and place of hearing

thereon to be published, pursuant to Section 6066 of the Government Code, prior to the date set for hearing, in a newspaper of general circulation printed and published within the district, if there is one and if not then in such paper printed and published in the county, and shall cause a notice in writing of the filing of the report to be mailed to each person to whom any parcel or parcels of real property described in such report is assessed in the last equalized assessment roll available on the date the report is prepared, at the address shown on the assessment roll or as known to the secretary.

61765.3: At the time stated in the notice, the board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. Upon the conclusion of the hearing, the board may adopt, revise, change, reduce, or modify an assessment, or any charges for any purposes, or any delinquencies in those assessments or charges, or overrule any or all objections: The board shall make its determination upon each assessment, or each charge or each delinquency, as described in the report, which determination shall be final: The board may make appropriate adjustments that may be necessary as a result of the equalization of the assessment roll subsequent to the filing of the report.

61765.4: On or before the 10th day of August of each year following such final determination, the secretary shall file with the county auditor a copy of the report with a statement endorsed thereon over the secretary's signature that it has been finally adopted by the board and the auditor shall enter the amount of the assessments or the charges against the respective lots or parcels of land as they appear on the current assessment roll: If the property is not described on the roll, the auditor may enter the description thereon together with the amounts of the assessments, the charges for any purposes, or the delinquencies in those assessments or charges, as shown in the report.

61765.5: The amount of the assessments, charges, or delinquencies shall constitute a lien against the lot or parcel of land against which the assessment, charge, or delinquency has been imposed as of 12:01 a.m. on the first day of March immediately preceding the date of levy.

61765.6: The county tax collector shall include the amounts of the assessment, the charges for any purpose, or the delinquencies in those assessments or charges on bills for taxes levied against the respective lots and parcels of land: Thereafter the amount of the assessments, charges, or delinquencies in those assessments or charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the district, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties: All laws applicable to the levy, collection, and enforcement of general taxes of the district, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, and redemption, are applicable to such assessments, charges, or delinquencies: However, if for the first year the charge is levied, the real property to which the charge relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes appear on the roll, then the charge, or the delinquency in that charge, assessed pursuant to this section shall not result in a lien against the property, but instead shall be transferred to the unsecured roll for collection.

61765.7: Notwithstanding Section 61765, in the Brooktrails Community Services District, the water standby or availability charge shall not exceed thirty dollars (\$30) per year for each acre of land on which the charge is levied or thirty dollars (\$30) per year for a parcel less than one acre. This section, applicable only to the Brooktrails Community Services District, is necessary because of the unique and special water management and financing problems in the area included within the district.

61765.75: Notwithstanding Section 61765, in the Julian Community Services District, the water standby or availability charge shall not exceed forty dollars (\$40) per year for each acre of land on which the charge is levied or forty dollars (\$40) per year for a parcel less than one acre. This section, applicable only to the Julian Community Services District, is necessary because of the unique and special water management and financing problems in the area included within the district.

61765.76: Notwithstanding Section 61765, in the Lake Shastina Community Services District, the water standby or availability charge shall not exceed forty dollars (\$40) per year for each acre of land on which the charge is levied or forty dollars (\$40) per year for a parcel less than one acre. This section, applicable only to the Lake Shastina Community Services District, is necessary because of the unique and special water management and financing problems in the area included within the district. In the event the Lake Shastina Community Services District places before the voters, the proposition of whether the district shall adopt the additional purpose of supplying water, it shall also include in the proposition the limitations on the water standby or availability charges which may be charged to landowners within the district as prescribed in this section.

61765.8: Notwithstanding Section 61765, in the Golden Hills Community Services District, the water standby or availability charge shall not exceed thirty dollars (\$30) per year for each acre of land on which the charge is levied or thirty dollars (\$30) per year for a parcel less than one acre. This section, applicable only to the Golden Hills Community Services District, is necessary because of the unique and special water management and financing problems in the area included within the district.

61765.9: Notwithstanding the provisions of Section 61765, in the Big Bear City Community Services District, the water standby or availability charge shall not exceed forty dollars (\$40) per year for each acre of land on which the charge is levied or forty dollars (\$40) per year for a parcel less than one acre. The proceeds from any standby assessment or availability charge in excess of ten dollars (\$10) per year for each acre or ten dollars (\$10) per year for a parcel less than one acre shall only be used for the purpose of financing the design and construction of municipal water system improvements within the district or retiring indebtedness incurred by the district for the financing of those improvements. This section, applicable only to the Big Bear City Community Services District, is necessary because of the unique and special water management and financing problems in the area included within the district.

61765.10: Notwithstanding Sections 61621.5 and 61765, in the Stallion Springs Community Services District, the water standby or availability charge shall not exceed thirty dollars (\$30) per year for each acre of land on which the charge is levied or thirty dollars (\$30) per year for each parcel of land less than one acre, and the sewer standby or availability charge shall not exceed fifteen dollars (\$15) per year for each acre of land on which the charge is levied or fifteen dollars (\$15) per year for each parcel of land less than one acre. In fixing and collecting water or sewer standby or availability charges, the district shall follow the procedures for fixing and collecting water standby or availability charges set forth in this chapter. This section, applicable only to the Stallion Springs Community Services District, is necessary because of the unique and special water and sewer management and financing problems in the area included within the district.

61765.11: Notwithstanding Sections 61621.5 and 61765, in the Smith River Community Services District, the water standby or availability charge shall not exceed forty-eight dollars (\$48) per year or four dollars (\$4) per month for each acre of land on which the charge is levied or forty-eight dollars (\$48) per year or four dollars (\$4) per month for each parcel of land less than one acre. In fixing and collecting water standby or availability charges, the district shall follow the procedures for fixing and collecting water standby or availability charges set forth in this chapter. This section, applicable only

to the Smith River Community Services District, is necessary because of the unique and special water management and financing problems in the area included within the district.

61765.12: Notwithstanding Section 61765, in the Cambria Community Services District, the water standby or availability charge shall not exceed forty-five dollars (\$45) per year for each acre of land on which the charge is levied or forty-five dollars (\$45) per year for each parcel of land less than one acre, and the wastewater standby or availability charge shall not exceed thirty dollars (\$30) per year for each acre of land on which the charge is levied or thirty dollars (\$30) per year for each parcel of land less than one acre. In fixing and collecting water or wastewater standby or availability charges, the district shall follow the procedures for fixing and collecting water standby or availability charges set forth in this chapter. This section, applicable only to the Cambria Community Services District, is necessary because of the unique and special water and wastewater management and financing problems in the area included in the district.

61765.13: Notwithstanding Section 61765, in any community services district in San Bernardino County, the water standby or availability charge shall not exceed thirty dollars (\$30) per year for each acre of land on which the charge is levied or thirty dollars (\$30) per year for a parcel less than one acre: This section does not affect the ability of a district to fix, levy, or collect standby or availability charges pursuant to Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5, as added by Assembly Bill No. 499 of the 1987-88 Regular Session of the Legislature, if that bill is enacted and becomes effective. This section, applicable only to San Bernardino County, is necessary because of the unique and special water management and financing problems in the area included within the county.

61765.15: Notwithstanding Section 61765, in the Lake Don Pedro Community Services District, the water standby or availability charge shall not exceed sixty dollars (\$60) per year for each acre of land on which the charge is levied or sixty dollars (\$60) per year for a parcel less than one acre. This section, applicable only to the Lake Don Pedro Community Services District, is necessary because of the unique and special water management and financing problems in the area included within the district.

61765.16: Notwithstanding Section 61765, in the Grizzly Flats Community Services District, the water standby or availability charge shall not exceed forty-eight dollars (\$48) per year or four dollars (\$4) per month for each parcel of land on which the charge is levied.

In fixing and collecting water standby or availability charges, the district shall follow the procedures for fixing and collecting water standby or availability charges set forth in this chapter. This section, applicable only to the Grizzly Flats Community Services District, is necessary because of the unique and special water management and financing problems in the area included within the district.

61765.20: Notwithstanding Section 61765, in the Descanso Community Water District, the water standby or availability charge shall not exceed forty dollars (\$40) per year for each acre of land on which the charge is levied or forty dollars (\$40) per year for a parcel less than one acre. This section, applicable only to the Descanso Community Water District, is necessary because of the unique and special water management and financing problems in the area included within the district.

61766: If any water standby charge remains unpaid on the first day of the month in which the board of supervisors of the county in which the district or any part thereof is located is required by law to levy the amount of taxes required for county purposes, a 6-percent penalty thereon shall accrue: The amount of the unpaid standby charges plus the penalty shall be added to the annual tax levied upon the land to

which water for which the standby charge is unpaid was available, and shall constitute a lien on that land: The amount of tax attributable to unpaid water standby charges and penalty thereon shall be separately stated on the tax bill. At least 15 days before the first day of the month in which said board of supervisors is required by law to levy the amount of taxes required for county purposes, the board of directors of the district shall furnish in writing both to the board of supervisors and to the county auditor, a description of each parcel of land within the district upon which a standby charge remains unpaid, together with a statement setting forth both the amount of the unpaid charge and the amount of the penalty on each parcel of land: Whenever land in two or more counties is included in a district, the board of directors of the district shall furnish such a description and statement to the board of supervisors and to the county auditor of each of the counties.

61767: Notwithstanding any other provision of law, any district within San Bernardino County may fix, levy, and collect a sewage and waste service standby or availability charge in any of the alternate methods and in the same manner and under the same terms and conditions as are provided for a water standby or availability charge in this chapter. This section, applicable only to San Bernardino County, is necessary because of the unique and special water and community services management and financing problems in the area included within the county.

61770: Zones may be established within a district for any of the following purposes:

- (a) Incurring a bonded indebtedness within the zone sufficient to pay the cost of construction or acquisition of improvements or establishment of services which improvements and services the district is authorized to provide, where the improvements and services, in the judgment of the board, will not be of districtwide benefit, and levying a special tax within the zone for the payment of the principal and interest on the bonds.
- (b) Fixing and collecting special rates or charges for the construction or acquisition of improvements and for the furnishing of services within a zone, which improvements and services the district is authorized to provide, and applying the receipts from the special rates or charges to the expense of providing the service where in the judgment of the board the service is not of districtwide benefit.
- (c) Levying special taxes to finance the construction or acquisition, maintenance and operation of improvements or the furnishing of services where in the judgment of the board the improvements or services will not be of district wide benefit.

61771: Zones may be established within a district by either of the following methods:

- (a) A petition for the formation of a zone within a district may be presented to the board, signed by owners representing at least 25 percent of the total assessed valuation of the real property within the proposed zone, as shown by the last equalized assessment roll of the county, or by not less than 25 percent of the registered voters residing within the proposed zone.
- (b) A resolution may be adopted by the board setting forth the matters required by Section 61772: If bonds are proposed to be issued under the authority of Section 61770, the resolution shall state the amount of the proposed indebtedness, the maximum maturity date, and the maximum interest rate.

61772: A petition or resolution shall contain:

- (a) The boundaries of the proposed zone.

(b) A general description of the improvement desired or service to be rendered.

(c) An estimate of the cost of the proposed improvement and of incidental expenses in connection therewith.

61773: The petition shall be presented at a regular meeting of the board and the board shall thereupon set a time for hearing the petition, which time shall be not less than 21 days nor more than 30 days after the date of presentation of the petition or adoption of the resolution as provided in Section 61771: Notice of hearing on the petition or resolution stating when the petition was filed or resolution adopted and specifying the time and place set for the hearing of the petition or resolution and informing interested parties of their right to protest shall be given by the clerk of the board by publication in the district pursuant to Section 6066.

61774: The date set for the hearing shall be at least seven days after the date of the last publication of the notice.

61775: At the time fixed for the hearing, the board shall hear and pass upon the petition and consider any protest and requests for exclusion that might have been filed with the clerk before or at the time set for the hearing and its decision thereon shall be final and conclusive.

61776: If 50 percent or more of the registered voters residing within the territory proposed to be included in the zone, or the owners of 50 percent or more of the value of the land and improvements in the territory proposed to be included in the zone, as shown by the last equalized assessment roll, file written protest against the establishment of the area, the board shall abandon the proposed establishment of the zone. If such majority protest of the registered voters or of the property owners is against only the furnishing of a specified type of service within the area or the construction of certain improvements, those types of service or those improvements shall be eliminated from the resolution finally establishing the area.

61777: At any time not later than the hour set for such public hearing, any owner of property within the proposed zone may file a written request for exclusion of his property, or any portion thereof, from such zone: Such request shall state the name of the owner of the property affected and the street address or other description of the property sufficient to identify it on the last equalized assessment roll: A request for exclusion may be made on behalf of the owner by an agent authorized in writing by the owner to act as agent with respect to such property, provided that a request made on behalf of a private corporation which is an owner of property may be made by any officer or employee of the corporation without such written authorization. At the time and place stated in such notice the board shall hold such public hearings, at which owners who have filed requests for exclusion of their property from the proposed zone may be heard in support of such requests for exclusion. The board shall make specific findings as to whether or not property as to which a request for exclusion has been filed shall be included within the zone and shall exclude from such zone any such lands which the board finds will not be benefited by inclusion therein.

61778: The hearing may be continued from time to time but must be completed within 30 days of its commencement: After the hearing, the board may abandon the proposed establishment of the zone or may, after passing upon all protests and requests for exclusion, determine to establish the zone: If the board determines to establish the zone it shall do so by ordinance, and finally determine and establish the boundaries of the zone and designate the improvements to be constructed therein or designate the

types of services to be performed therein. In establishing the boundaries of the area, the board may alter the exterior boundaries of the area to include less territory than that described in the notice of hearing but it may not include any territory not described in the notice of the hearing.

61779: Upon the establishment of such a zone only the types of services contained in the resolution or the improvements specified in the resolution may be paid for out of special taxes levied within the zone: The zones established within the district may have tax rates varying with the extent of benefit to each zone, derived from services provided to the property in each zone or improvements benefiting the property in each zone.

61780: Upon the establishment of a zone, bonds may be issued for purposes of benefiting the zones in accordance with Chapter 4 (commencing with Section 61650) of Part 5 or the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5).

61781: All powers and duties of the district may be exercised on behalf of or within any zone formed pursuant to this division.

61790: Territory within a district may be annexed to a zone whether or not contiguous thereto, provided that such territory is not part of a zone constituted for a similar purpose.

61790.1: Except as provided in Section 61791.9, to commence the procedure for annexation to a zone, the board shall adopt a resolution initiating proceedings for an annexation, which resolution shall:

- (a) Set forth a description of the exterior boundaries of the territory proposed to be annexed;
- (b) State whether the territory proposed to be annexed is inhabited, in that there reside within the territory 12 or more persons who have been registered to vote within such territory for at least 54 days prior to the date of adoption of the resolution, or uninhabited, in that there reside within the territory less than 12 persons who have been registered to vote within such territory for at least 54 days prior to the date of adoption of the resolution;
- (c) State the reason or reasons for the proposed annexation;
- (d) Set forth any terms or conditions of the proposed annexation;
- (e) Fix a time, date, and place of hearing on the proposed annexation, which hearing shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings; and
- (f) State that any interested person desiring to make written protest against said annexation shall do so by written communication filed with the secretary not later than the hour set for the hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by him; a written protest by a voter shall contain the residential address of the voter.

61790.2: The secretary shall give notice of any such hearing by:

- (a) Publication of the resolution initiating proceedings for annexation once in a newspaper of general circulation within the zone;



(b) Posting of the resolution initiating proceedings for annexation on or near the doors of the meeting place of the board or on any official bulletin board customarily used for the purpose of posting of public notices; and

(c) Mailing of the resolution initiating proceedings for annexation to all landowners owning land within the territory proposed to be annexed as shown upon the last equalized assessment roll of the county, at the address shown upon such assessment roll, and to all persons and counties, cities, or districts, which shall have theretofore filed a written request for special notice with the secretary.

61790.3: Publication, posting, and mailing required by Section 61790.2 shall be completed at least 15 days prior to the date set for hearing: Mailed notice shall be sent by first-class mail and deposited, postage prepaid, in the United States mails and shall be deemed to have been given when so deposited.

61790.4: The hearing on the proposed annexation shall be held by the board upon the date and time specified in the resolution initiating proceedings for such annexation: The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

61790.5: At such hearing the board shall hear and receive any oral or written protests, objections, or evidence which shall be made, presented, or filed: Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

61790.6: Factors to be considered by the board in a proposed annexation shall include:

(a) Whether the proposed annexation will be for the interest of landowners and present or future inhabitants within the zone and within the territory proposed to be annexed to the zone;

(b) Any other matters which the board deems material: Except as hereinafter provided, the board shall not be required to make any express recitals or findings concerning any of the factors considered by it.

61790.7: In any proceedings for the annexation of territory to any zone, the board shall have the power and duty to exclude any lands proposed to be annexed which it finds will not be benefited by becoming a part of such zone. For the purpose of completing any such proceedings, including the findings provided for by Sections 61790.8 and 61790.9, any land so excluded shall no longer be considered a part of the territory proposed to be annexed.

61790.8: A majority protest shall be deemed to exist and the proposed annexation shall be abandoned if the board shall find and declare by resolution that written protests filed not later than the hour set for the hearing, and not withdrawn prior to the conclusion of the hearing, represent:

(a) In the case of the annexation of inhabited territory,

(1) More than 50 percent of the assessed value of land therein, or

(2) More than 50 percent of the voting power of voters entitled to vote as a result of residing within such territory; or

(b) In the case of the annexation of uninhabited territory, more than 50 percent of the assessed value of land therein.

61790.9: A written protest by a resident-voter shall contain his signature and a street and number or designation sufficient to enable the place of residence to be readily ascertained: A protest by a landowner shall contain his signature and a description of the land owned by him sufficient to identify the same: A public agency owning land shall be deemed a landowner for the purpose of making a written protest and determining the existence of a majority protest.

61791: The board shall determine the sufficiency of written protests by the methods and the manner as provided in Sections 61791.1 to 61791.5, inclusive.

61791.1: If the protests are signed by resident-voters, the secretary shall compare the names of the signers on the protests against the voters' register in the office of the county clerk or registrar of voters and ascertain therefrom the number of qualified signers appearing upon said protests.

61791.2: If the protests are signed by landowners, the secretary shall compare the names of the signers on the protests against the names of the persons shown as owners of land on the last equalized assessment roll of the county and ascertain therefrom:

(a) The total number of landowners owning land within the territory which is the subject of the proposed annexation and the total assessed valuation of all land within such territory.

(b) The total number of landowners represented by qualified signers and the total assessed valuation of land owned by qualified signers.

61791.3: If a protest is signed by a landowner which is a public agency owning land within the territory which is the subject of the proposed annexation, such public agency shall be deemed a landowner for the purpose of the signing and certification of such protest. Any such public agency may authorize such protest to be signed for and on its behalf by any duly authorized officer or employee.

61791.4: In examining any petition signed by a landowner, the secretary shall disregard the signature of any person not shown as owner on the last equalized assessment roll unless prior to certification the secretary shall be furnished with written evidence, satisfactory to him, that such signer: is a legal representative of the owner; is entitled to be shown as owner of land on the next assessment roll; is a purchaser of land under a recorded written agreement of sale; or is authorized to sign for and on behalf of any public agency owning land.

61791.5: If any person signing a protest as a landowner shall appear as owner on the last equalized assessment roll but be shown thereon as a partner, joint tenant, tenant in common or as husband or wife, the signature of such person shall be counted as if all such owners shown on the roll had signed.

61791.6: In an annexation proceeding, if a majority protest shall not have been filed, the board, not later than 30 days after the conclusion of the hearing, shall adopt a resolution and make one of the following determinations:

(a) Disapproving the proposed annexation; or

(b) Ordering the annexation in accordance with Sections 61791.7 to 61791.9, inclusive.

61791.7: The board may order such territory annexed to the zone either without election or subject to confirmation by the voters upon the question of such annexation: However, the board shall not order

any such annexation without election unless the board finds:

(a) In the case of uninhabited territory, that written protests filed and not withdrawn represent less than 25 percent of the number of landowners within such territory, owning not more than 25 percent of the assessed value of land therein, or

(b) In the case of inhabited territory, that written protests filed and not withdrawn represent:

(1) Less than 25 percent of the number of landowners within such territory owning not more than 25 percent of the assessed value of land therein; and

(2) Less than 25 percent of the voting power of voters entitled to vote as a result of residing within such territory.

61791.8: In any resolution ordering an annexation of territory subject to confirmation by the voters, the board may provide for an election or elections to be called, held, and conducted upon such question:

(a) Only within the territory ordered to be annexed; or

(b) Both within the territory ordered to be annexed and within all of said zone.

61791.9: If all the owners of land within the territory proposed to be annexed have given their written assent to such annexation, the board may, by resolution, order such an annexation (a) without notice and hearing by the board, (b) without an election, or (c) without notice and hearing by the board and without an election.

61792: A resolution ordering an annexation or detachment shall describe the exterior boundaries of the territory annexed and shall contain all terms and conditions imposed upon such annexation.

61792.1: After the canvass of the returns of any election or elections on the question of the annexation, the board shall declare by resolution the total number of votes cast in the election or elections, and the number of votes cast for and against the annexation: The board shall adopt a resolution confirming the order of annexation, if a majority of the votes cast upon such questions are in favor of such annexation:

(a) At an election called only within the territory ordered to be annexed; or

(b) At each election where one election was called within the territory ordered to be annexed and another election within all said zones.

61792.2: If the proceedings for annexation are terminated, either by majority protest as provided in Section 61790.8 or by failure of the majority of voters to confirm the order at an election held pursuant to Section 61791.8, then no new proposal for the same or substantially the same plan of annexation may be filed with the board within one year after the date of adoption of the resolution terminating such proceedings.

61792.3: After the adoption of a resolution ordering such annexation, or a resolution confirming an order of annexation following an election thereon, the secretary shall file a certified copy thereof with a map of the territory thus annexed with the county tax collector of each county in which such annexed territory is situated and shall also make such filings as may be required by Chapter 8 (commencing at

Section 54900) of Part 1, of Division 2, Title 5.

61792.4: Territory annexed to a zone shall be subject to existing bond issues and indebtedness of the zone from and after the filing with the county tax collector specified in Section 61792.3.

## **PART 7. CHANGES IN ORGANIZATION**

61800: Contiguous land or noncontiguous land not a part of the district which consists of any unincorporated territory may be annexed to the district. Contiguous land not a part of the district which consists of any incorporated territory may be annexed to the district with the consent of the affected city: The consent shall be by resolution of the city council adopted prior to the resolution of the district board of directors initiating annexation proceedings pursuant to Section 56310.

61801: The land annexed shall be susceptible of service by the district and of being benefited by the district.

61802: An annexation ordinance may provide for and be made subject to a condition that the owners of the land to be annexed make payment for sewage and water facilities, whether existing or to be constructed, which can be, or will be, used for the benefit of property other than that which is to be annexed: The board may by contract with the owners of the land to be annexed agree to reimburse the owners for such sewage and water facilities: Such contract may provide that in order to make such reimbursement the district may collect from any person using such sewage and water facilities, and from any owners of land subsequently annexing to the district, a reasonable connection, use, or annexation fee for such use or annexation: If the contract so provides, the board may collect from any person using such sewage and water facilities, and from any owners of land subsequently annexing to the district, a reasonable connection, use, or annexation fee for such use or annexation.

61850: Notwithstanding Chapter 4 (commencing with Section 23701), Chapter 7 (commencing with Section 24341), Chapter 8 (commencing with Section 24451), Chapter 9 (commencing with Section 24501), Chapter 10 (commencing with Section 24521), and Chapter 15 (commencing with Section 24901) of, Part 11 of Division 2 of the Revenue and Taxation Code, the transfer of the assets of the Stonehouse Mutual Water Company, including its lands, easements, rights and obligations to act as sole agent of the stockholders in exercising the riparian rights of the stockholders, and rights relating to the ownership, operation, and maintenance of water and sewer facilities serving the customers of the company, to the Hidden Valley Lake Community Services District, is not a transfer subject to taxes imposed by Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code if both of the following requirements are met:

(a) The consideration for the transfer of all or substantially all of the assets is the assumption by the district of the company's liability to provide service to the company's stockholders.

(b) The legal or beneficial title to all or substantially all of the company's assets is vested in the district on or before January 1, 1995.

(c) For the one-year period immediately prior to commencement of the transfer and continuing until the transfer is completed, 85 percent or more of the company's income consists of amounts collected from stockholders for the sole purpose of meeting losses and expenses.